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# Transcript of Thomas Kelly

**Date:** July 14, 2020

**Case:** Coleman -v- City of Chicago, et al.; Fulton -v- Foley, et al.

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Transcript of Thomas Kelly  
Conducted on July 14, 2020

1 (1 to 4)

1	3
1 UNITED STATES DISTRICT COURT	1 A P P E A R A N C E S
2 NORTHERN DISTRICT OF ILLINOIS	2
3 EASTERN DIVISION	3 ON BEHALF OF THE PLAINTIFF DERRELL FULTON:
4 -----x	4 NICHOLAS CURRAN, ESQ.
5 DERRELL FULTON, a/k/a :	5 LAW OFFICES OF KATHLEEN T. ZELLNER
6 DARRYL FULTON, :	6 1901 BUTTERFIELD ROAD, SUITE 650
7 Plaintiffs, :	7 DOWNERS GROVE, ILLINOIS 60515
8 v. :	8 630-955-1212
9 CHICAGO POLICE OFFICER : Case No. 17-cv-8696	9 ON BEHALF OF THE PLAINTIFF COLEMAN:
10 WILLIAM FOLEY, et al., :	10 RUSSELL AINSWORTH, ESQ.
11 Defendants, :	11 RACHEL BRADY, ESQ.
12 -----x	12 LOEVY & LOEVY
13 (Caption continued on next page)	13 311 North Aberdeen, 3rd Floor
14	14 Chicago, Illinois 60607
15 Deposition of THOMAS KELLY	15 312-243-5900
16 Conducted Virtually	16 ON BEHALF OF THE DEFENDANT CHICAGO POLICE
17 Thursday, July 14, 2020	17 OFFICER WILLIAM FOLEY, et al.,
18 10:11 a.m.	18 ANDREW GRILL, ESQ.
19	19 BRITTANY JOHNSON, ESQ.
20	20 ROCK FUSCO & CONNELLY
21	21 321 NORTH CLARK STREET, SUITE 2200
22 Job No.: 308628	22 Chicago, Illinois
23 Pages: 1 - 189	23 312-494-1000
24 Reported by: Lucia R. Block, CSR	24
2	4
1 (Caption continued from previous page)	1 A P P E A R A N C E S (Continued)
2 -----x	2
3 NEVEST COLEMAN, :	3 ON BEHALF OF THE DEFENDANT CITY OF CHICAGO, et
4 Plaintiff, :	4 al.,
5 v. : Case No. 18-cv-998	5 LISA M. MEADOR, ESQ.
6 CITY OF CHICAGO, et :	6 THE SOTOS LAW FIRM, P.C.
7 al., :	7 141 WEST JACKSON, SUITE 1240A
8 Defendants. :	8 Chicago, Illinois
9 -----x	9 630-735-3313
10	10 ON BEHALF OF THE COOK COUNTY STATE'S ATTORNEY'S
11 Deposition of THOMAS KELLY, conducted	11 OFFICE
12 virtually:	12 DAVID ADELMAN, ESQ.
13	13 RYAN GILLESPIE, ESQ.
14	14 KIMBERLY M. FOXX, COOK COUNTY STATE'S
15	15 ATTORNEY
16 PURSUANT TO NOTICE BEFORE LUCIA R. BLOCK, A	16 69 WEST WASHINGTON STREET
17 CERTIFIED SHORTHAND REPORTER AND A NOTARY PUBLIC	17 Chicago, Illinois 60602
18 IN AND FOR THE STATE OF ILLINOIS.	18 312-603-1880
19	19
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Transcript of Thomas Kelly  
Conducted on July 14, 2020

2 (5 to 8)

5	7
<p style="text-align: center;">C O N T E N T S</p> <p>EXAMINATION OF THOMAS KELLY PAGE</p> <p>Examination By Mr. Ainsworth 7</p> <p>Examination By Mr. Curran 160</p> <p>Examination By Mr. Grill 169</p> <p>Examination By Mr. Adelman 177</p> <p>Further Examination By Mr. Ainsworth 179</p> <p>Further Examination By Mr. Curran 181</p> <p>Further Examination By Mr. Grill 185</p> <p style="text-align: center;">E X H I B I T S</p> <p style="text-align: center;">(Attached to transcript.)</p> <p>KELLY DEPOSITION EXHIBITS PAGE</p> <p>Exhibit No. 1 46</p> <p>Exhibit No. 2 81</p> <p>Exhibit No. 3 98</p> <p>Exhibit No. 4 103</p> <p>Exhibit No. 5 108</p> <p>Exhibit No. 6 115</p> <p>Exhibit No. 7 146</p> <p>Exhibit No. 8 150</p>	<p>THOMAS KELLY,</p> <p>called as a witness herein, having been first duly sworn, was examined and testified as follows:</p> <p style="text-align: center;">EXAMINATION</p> <p>BY MR. AINSWORTH:</p> <p>Q Would you please state and spell your name for the record, sir.</p> <p><b>A My last name is Kelly, K-E-L-L-Y; my first name is Thomas, T-H-O-M-A-S; my middle initial is "F."</b></p> <p>Q And, sir, have you given a deposition before?</p> <p><b>A Yes, sir.</b></p> <p>Q How many times have you been deposed before?</p> <p><b>A I'm not sure.</b></p> <p>Q When was the last time you were deposed?</p> <p><b>A Over ten years ago.</b></p> <p>Q All right. Because it's been a while, I'm going to go over some of the rules; is that okay, sir?</p> <p><b>A Yes, sir.</b></p> <p>Q The first thing I'm going to ask you to do is --</p>
6	8
<p style="text-align: center;">P R O C E E D I N G S</p> <p>THE REPORTER: Will counsel please stipulate that in lieu of formally swearing in the witness, the reporter will instead ask the witness to acknowledge that their testimony will be true under the penalties of perjury, that counsel will not object to the admissibility of the transcript based on proceeding in this way, and that the witness has verified that he is, in fact, Thomas Kelly.</p> <p>THE WITNESS: Yes.</p> <p>MR. AINSWORTH: Yes. On behalf of Plaintiff Coleman, I agree.</p> <p>MR. CURRAN: On behalf of Plaintiff Fulton, I agree.</p> <p>MR. GRILL: On behalf of the Defendant officers, I agree.</p> <p>MR. ADELMAN: On behalf of the County defendants, I agree.</p> <p>MS. MEADOR: On behalf of the City, I agree.</p> <p style="text-align: center;">(Witness sworn.)</p>	<p>MR. GRILL: Russell, before you get --</p> <p>MR. AINSWORTH: -- to give your answers --</p> <p>MR. GRILL: -- too far -- let's just put the agreement on the record real quick, before you get too far into it. I just don't want to interrupt you later, so...</p> <p>MR. AINSWORTH: You're -- you're kidding me, right?</p> <p>MR. GRILL: No. So you guys -- you and Mr. Moran had a discussion about the video recording of this deposition.</p> <p>It's our understanding that you're using your own Zoom account to record this deposition and that the agreement that you and Mr. Moran reached was that the video recording of this deposition will not be used by either party until Judge Harjani makes a decision as to its use in light of how it's being recorded, that it's not being recorded on the account -- on an account controlled by the court reporter's office.</p> <p>MR. AINSWORTH: You mean you're asking me to affirm what I agreed to in writing last night? That's what you're asking -- and that I just con- -- affirmed to you --</p>

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Transcript of Thomas Kelly  
Conducted on July 14, 2020

3 (9 to 12)

<p>9</p> <p>1 MR. GRILL: I'm asking you -- I'm putting 2 on the record what the agreement was. That's all. 3 If you -- if I've misstated something, go ahead 4 and correct me, my understanding of what the 5 agreement was. 6 MR. AINSWORTH: No. Let's proceed. 7 BY MR. AINSWORTH: 8 Q Okay. So, Mr. Kelly, let's just go over 9 the rules, so -- 10 MR. GRILL: Did I misstate something, 11 Russell? 12 MR. AINSWORTH: No. I said you didn't 13 misstate anything. 14 MR. GRILL: You just said "no." I didn't 15 know if that was, no, that you were disagreeing 16 with me or, no, that I misstated something. 17 So thanks. Go ahead. I won't interrupt you. 18 MR. AINSWORTH: Anyone else want to 19 interject anything? 20 (No audible response.) 21 MR. AINSWORTH: Thank you. 22 BY MR. AINSWORTH: 23 Q Mr. Kelly, and only Mr. Kelly, in these -- 24 in this proceeding, I'm going to ask you give a</p>	<p>11</p> <p>1 Q And if you answer my question, I'll assume 2 that you've understood my question as I've posed 3 it. Fair? 4 A Yes, sir. 5 Q Do you have any medical condition or are 6 you taking any medication or do you have any 7 condition that would be affect your ability to 8 testify truthfully and accurately here today? 9 A I had double bypass surgery in January 10 of 2020. And I'm on several medications for that; 11 however, there are no after effects that I'm aware 12 of. 13 Q When you say there are no after effects 14 that you're aware of, what are you referring to? 15 A Well, there's no shortness of breath. 16 There's no chest pain. That's my nonmedical 17 observations of how I feel. 18 Q Well, that's good to hear, sir. I 19 understand that's still a major procedure. And if 20 at any time during this deposition you need a 21 break, please just alert us, and we'll accommodate 22 you; do you understand? 23 A Yes, sir. 24 Q All we ask is that you answer any question</p>
<p>10</p> <p>1 verbal answer, a yes or no if the question calls 2 for it, rather than relying on a nod of the head 3 or saying "uh-huh" or "uh-uh." Okay? 4 A I don't normally say "huh." 5 Q Well, I -- 6 A I -- 7 Q -- appreciate -- 8 A I understand you, sir. 9 Q Okay. And I'm going to ask you to wait 10 until I'm done with my question even if you know 11 what my question will be before beginning your 12 answer. All right? 13 A Yes, sir. 14 Q And I'll try and do the same to you and, 15 that is, wait until you're done with your answer 16 before I begin my next question to make life 17 easier for the court reporter. 18 A I understand. 19 Q All right. If you don't understand any of 20 my questions, please ask me to rephrase the 21 question, reask the question, or, in some way, 22 indicate to me that you do not understand my 23 question. Fair? 24 A Yes, sir.</p>	<p>12</p> <p>1 that's pending before we break. Okay? 2 A Yes, sir. 3 Q Do you have any difficulties with your 4 memory? 5 A No, sir. 6 Q Has anyone told you that you have 7 difficulties with your memory? 8 A No, sir. 9 Q Are any of the medications that you're on 10 affecting your ability to testify truthfully and 11 accurately here today? 12 A No, sir. 13 Q Do you have any concern that either your 14 medical procedure that you had in January or any 15 other medical condition or medication that you're 16 taking would affect your ability to testify 17 truthfully and accurately here today? 18 A No, sir. 19 Q Have you taken all of the medications that 20 you were prescribed today? 21 A Yes, sir. 22 Q Are there any -- is there anything that 23 you're not taking that you think would -- 24 A Excuse me. Could I clarify that? I take</p>

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Transcript of Thomas Kelly  
Conducted on July 14, 2020

4 (13 to 16)

<p>13</p> <p>1 one medication in the evening.</p> <p>2 Q Okay.</p> <p>3 A I have morning medication and evening</p> <p>4 medication.</p> <p>5 Q You have morning medication?</p> <p>6 A I take some medication in the morning, and</p> <p>7 it's a statin for cholesterol. I take that --</p> <p>8 that you're supposed to take before you go to bed.</p> <p>9 Q All right. And you've taken your morning</p> <p>10 medication today; is that right?</p> <p>11 A Yes, sir.</p> <p>12 Q Okay. I understand that you served in the</p> <p>13 military; is that correct?</p> <p>14 A Yes, sir.</p> <p>15 Q How long did you serve?</p> <p>16 A Three years.</p> <p>17 Q You served in the Army; is that right?</p> <p>18 A Yes, sir.</p> <p>19 Q And where did you serve?</p> <p>20 A Do you want boot camp and the whole or</p> <p>21 just the basic --</p> <p>22 Q Give me --</p> <p>23 A -- the long-term assignment?</p> <p>24 Q The -- the thumbnail sketch.</p>	<p>15</p> <p>1 Q What were you doing for the military in</p> <p>2 Vietnam?</p> <p>3 A I worked in the G3, which is the</p> <p>4 operations and planning. The military assistance</p> <p>5 command in Vietnam was generally comprised of</p> <p>6 officers, which I was not one, who would go out</p> <p>7 with the ARVN, or the Army of the Republic of</p> <p>8 Vietnam, for about six months at a time. They'd</p> <p>9 go out in the field with them and advise them.</p> <p>10 Normally, there was a team of -- a team that went</p> <p>11 out with a particular group from the ARVN.</p> <p>12 Q And would you conduct that work going out</p> <p>13 in the field?</p> <p>14 A Oh, no, sir.</p> <p>15 Q No. So what was your role?</p> <p>16 A Basically, a clerk or an administrative</p> <p>17 assistant in the -- I worked for seven or eight</p> <p>18 officers.</p> <p>19 Q And you had an honorable discharge; is</p> <p>20 that correct?</p> <p>21 A Yes, sir.</p> <p>22 Q What was your rank upon discharge?</p> <p>23 A Specialist 5 or E5.</p> <p>24 Q Are you a high school graduate?</p>
<p>14</p> <p>1 A Okay. After boot camp and advanced</p> <p>2 training, I served in Würzburg, Germany for</p> <p>3 approximately a year.</p> <p>4 After that, in December of 1966, I was</p> <p>5 assigned to the military assistance command in</p> <p>6 Vietnam, which is located in -- I don't recall the</p> <p>7 name, but it was near Biên Hòa, South Vietnam. It</p> <p>8 was probably in the Biên Hòa province.</p> <p>9 Q And how long did you serve there?</p> <p>10 A 12 months.</p> <p>11 Q And then where were you assigned?</p> <p>12 A Fort Benjamin Harrison. And it's</p> <p>13 Indianapolis, Indiana.</p> <p>14 Q Were you then discharged from the service</p> <p>15 from --</p> <p>16 A Yes, sir, August -- August of 1967.</p> <p>17 Q Were you awarded any commendations or</p> <p>18 medals by the Army that were not similarly awarded</p> <p>19 to each member of your -- the group that you were</p> <p>20 stationed with?</p> <p>21 A I was awarded the Bronze Star but not for</p> <p>22 valor.</p> <p>23 Q What were you awarded the Bronze Star for?</p> <p>24 A Evidently they liked my work, what I did.</p>	<p>16</p> <p>1 A Yes, sir.</p> <p>2 Q Where did you graduate high school from?</p> <p>3 A Mendel Catholic College Prep.</p> <p>4 Q And when did you graduate from high</p> <p>5 school?</p> <p>6 A May or June of 1964.</p> <p>7 Q Did you attend any post high school</p> <p>8 educational institution?</p> <p>9 A I -- when I was in the police academy,</p> <p>10 there were several compulsory college courses that</p> <p>11 were given to us. And within a year or so after</p> <p>12 being on the police department, it suddenly dawned</p> <p>13 on me that if I went under the college bill, I</p> <p>14 would get paid, so I just -- I took maybe -- I</p> <p>15 would say I possibly have 12 to 16 hours of</p> <p>16 college. I have no idea what they were.</p> <p>17 Q Where did you accrue those college credits</p> <p>18 from?</p> <p>19 A Loop College is -- to the best of my</p> <p>20 recollection.</p> <p>21 Q And that was -- so you took some of them</p> <p>22 while you were at the academy and then some of</p> <p>23 them in the couple years after the academy?</p> <p>24 A I think it was a couple years. It wasn't</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

5 (17 to 20)

<p>17</p> <p>1 too long afterwards. And then the -- I can't 2 remember the time limit, but my time limit to 3 participate expired. That was the end of that. 4 Q Did you ever pursue a degree? 5 A No, sir. 6 Q And you never obtained a degree or 7 certificate from any post-high school educational 8 institution; is that correct? 9 A That's correct. 10 Q What did you do after you were discharged 11 from the Army and before you started at the 12 Chicago Police Department? 13 A I worked construction as a laborer for 14 several months. I was laid off. And then I was a 15 bartender for about a year. 16 Q Did you ever serve in the military police? 17 A No, sir. 18 Q Do you have family members who were police 19 officers when you applied to be a member of the 20 Chicago Police Department? 21 A Yes. 22 Q How many? 23 A Two. 24 Q And who were they?</p>	<p>19</p> <p>1 wealth management. 2 Q All right. I understand you joined the 3 Chicago Police Department in 1969; is that 4 correct? 5 A Yes, sir. 6 Q Did you attend the academy? 7 A Yes, sir. 8 Q And did you attend the academy for the 9 same amount of time that other people who joined 10 the academy at the same time as you were there? 11 A I don't believe so. Shortly -- when I 12 joined, it had been extended to seven months in 13 the academy. I believe -- 14 Q Your cohort -- the people who joined at 15 the same time as you also spent seven months in 16 the academy; is that right? 17 A Yes, sir. 18 Q Upon completion of your time at the 19 academy, where were you assigned? 20 A The 9th District. 21 Q Where was that at the time? 22 A 35th and Lowell. 23 Q Do you have any say in that assignment? 24 A Did I have any say?</p>
<p>18</p> <p>1 A One was my uncle, and the other was my 2 great uncle. 3 Q When you joined, where was your uncle 4 assigned? 5 A He was assigned to Area 3 youth division. 6 Q Did you have other -- since you joined the 7 force, did you have other members of your family 8 also join the Chicago Police Department? 9 A No, sir. 10 Q Are you married? 11 A Yes, sir. 12 Q How long have you been married? 13 A 45 years. 14 Q Congratulations. Do you have any 15 children? 16 A Yes, I do. 17 Q How many children do you have? 18 A Two. 19 Q Do you have any grandchildren? 20 A One. 21 Q Hopefully you'll be able to see your 22 grandchild again soon. 23 And in what fields do your children work? 24 A One is in retail, and the other is in</p>	<p>20</p> <p>1 Q Yeah. 2 A No. 3 Q I didn't think so. 4 How long did you remain in the 9th 5 District? 6 A About a year, I believe, maybe a little 7 bit more. 8 Q While you were in the 9th District, did 9 you patrol in a marked squared car? 10 A Yes, sir. 11 Q And you did that for the entire time you 12 were at the 9th District? 13 A Yes, sir. 14 Q Where did you go after the 9th District? 15 A Area 1 task force. 16 Q What did you do at the Area 1 task force? 17 A Patrolled high-crime areas. 18 Q Would you patrol in a marked squad car in 19 uniform? 20 A I would say 90 percent of the time. 21 Q What about the 10 percent of the time when 22 you weren't patrolling in a marked squad car and 23 uniform? 24 A It would be soft clothing, casual clothing</p>

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Transcript of Thomas Kelly  
Conducted on July 14, 2020

6 (21 to 24)

<p>21</p> <p>1 in an unmarked -- again, upon the availability, 2 generally, it was in an unmarked squad car. 3 Q Did you have to apply to be a member of 4 the Area 1 task force? 5 A I went for an interview, yes, sir, 6 expressed my desire to go there. 7 Q Why did you have a desire to go to the 8 Area 1 task force? 9 A I didn't care for the 9th District was the 10 main reason. I also had a -- a friend who was 11 assigned there. 12 Q Why did you not care for the 9th District? 13 A It was very, very slow. 14 Q Not a lot of crime? 15 A There was crime, but I would say that most 16 of it -- most of the assignments I had you -- you 17 dealt with a lot of domestic issues. 18 Q How long were you assigned to the Area 1 19 task force? 20 A Several years. 21 Q All right. What was your next assignment? 22 A The 3rd District. 23 Q In the time that you were at the Area 1 24 task force, did your duties remain the same that</p>	<p>23</p> <p>1 (Technical difficulties. Reporter 2 clarification.) 3 MS. MEADOR: I was just saying it was -- I 4 was trying to unmute myself. I'm trying to stay 5 muted so it's quiet on my end. To the prior 6 question, I object as to foundation. Sorry. I'll 7 try and be faster. 8 BY MR. AINSWORTH: 9 Q Okay. Let me reask this question. Was 10 there any other -- 11 A Could I ask you a question, sir? Could I 12 ask you a question? 13 Q I might not answer, but you can certainly 14 ask. 15 A Who was -- who just spoke? 16 Q That was Lisa Meador. She represents the 17 City of Chicago. 18 A Okay. Thank you. 19 Q To your knowledge, was there any other 20 evidence suggesting that you had taken the missing 21 funds apart from the Polygraph results? 22 A No. 23 Q Do you know why you were asked to give a 24 Polygraph exam?</p>
<p>22</p> <p>1 you described to us before? 2 A Yes, sir. 3 Q And where was the 3rd District when you 4 were assigned there? 5 A 75th and Maryland. 6 Q Why did you transfer to the 3rd District? 7 A It wasn't voluntary. 8 Q Do you know why you were transferred from 9 Area 1 task force to the 3rd District? 10 A I had been suspended from the police 11 department, and I was reassigned as part of my 12 punishment, in my opinion, to the 3rd District. 13 Q And why were you suspended from the 14 Chicago Police Department? 15 A In a nutshell, there was an allegation of 16 missing funds, and I failed the Polygraph exam. 17 Q Were you telling the truth when you went 18 to the Polygraph? 19 A Yes, sir, I was. 20 Q But the powers that be credited the 21 Polygraph over your denial; is that correct? 22 A Yes, they did. 23 Q Was there any other evidence against you 24 apart from the --</p>	<p>24</p> <p>1 A Yes, I do. 2 Q Why? 3 A The complainant took a Polygraph exam. 4 Q And so why does the fact that the 5 complainant took a Polygraph exam suggest to you 6 that you were asked to take a Polygraph exam? 7 A He, apparently, to the best of my 8 recollection, passed the Polygraph, ergo, I 9 couldn't be telling the truth. 10 Q I see. So were you and the other person 11 the only two people who could have taken the 12 funds? Is that what you're saying? 13 A No, that's not what I'm saying, sir. 14 Would you like me to expand on it? I will. 15 Q Please do. 16 A Myself and another officer were on our way 17 in at the end of our tour when we saw a gentleman 18 coming not directly towards us, but he was coming 19 towards us the wrong way on a one-way street. It 20 was around 33rd and Michigan, I think. 21 Anyway, before we could stop him, he ran 22 into a parked car. He -- we stopped. He got out, 23 said he didn't feel well. So we laid him down -- 24 we didn't physically lay him down, we told him to</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

7 (25 to 28)

<p style="text-align: right;">25</p> <p>1 lay down in the back seat of our squad car. 2 I then asked him for his identification. 3 He handed me his wallet, I believe, with his 4 driver's license. In those days traffic cars -- 5 personnel assigned to the traffic division would 6 handle -- we did not handle traffic accidents. We 7 called for a traffic car. A traffic car came. We 8 told the traffic officer briefly what we had 9 observed. We left and went home. 10 Q And how was there then an allegation that 11 you had taken money? 12 A He made the allegation the next day, the 13 person who was driving the car. 14 Q I see. And they credited the civilian 15 over your statement; is that fair to say? 16 A That's very fair to say, yes, sir. 17 Q And how long was your suspension? 18 A 30 days. 19 Q Did you grieve that suspension? 20 A I don't believe you could grieve -- this 21 is back in the '70s. To the best of my 22 recollection, I didn't, no. 23 Q All right. Okay. For how long were you 24 assigned to the 3rd District?</p>	<p style="text-align: right;">27</p> <p>1 to Area 1 gangs. And I don't remember the year. 2 Q Did it become gangs in 1981? Does that 3 sound familiar? 4 A I don't know. I don't remember. 5 Q All right. And then in 1987 you made 6 detective; is that right? 7 A Yes, sir. 8 Q How many times did you sit for the -- did 9 you -- were you promoted off the list? 10 A Yes, I was. 11 Q How many times did you sit for the 12 detective exam? 13 A Once. 14 Q Then there is a list created based on the 15 results of the exams that -- that you took? 16 A In those days there was, yes, sir. 17 Q And then you were promoted off the list of 18 people who qualified based on the results of the 19 exam; is that right? 20 A Yes, sir. 21 Q When you became a detective, did you go to 22 detective school? 23 A Yes, I did. 24 Q What do you call it? I called it</p>
<p style="text-align: right;">26</p> <p>1 A Almost -- I think it was almost a year to 2 the day. 3 Q And what was your next assignment? 4 A After the 3rd District, sir? 5 Q Yes. 6 A I went back to -- I believe it was -- it 7 was the same assignment I had left, but I think 8 the unit name had been changed to Area 1 special 9 operations group. 10 Q While you were at the 3rd District, were 11 you assigned to patrol? 12 A Yes, sir. 13 Q Did you work in a -- did you work a beat 14 in a marked squad car in uniform? 15 A Yes, sir. 16 Q And when you went back to Area 1, you had 17 the same duties that you had previously at Area 1; 18 is that right? 19 A Yes, sir. 20 Q And for how long did you serve in Area 1 21 what you believe was special ops? 22 A Just so I can clarify for you, possibly, I 23 stayed there until, I believe it was, March 24 of 1987; however, the name was changed once again</p>	<p style="text-align: right;">28</p> <p>1 "detective school." What did you call it? 2 A That's fine. I don't know if there is a 3 formal name. That's -- I know what you mean. 4 Q How long was detective school? 5 A Four or five weeks. 6 Q And upon completion of the detective 7 school, where were you assigned? 8 A Area 1 violent crimes. 9 Q Did you want to work at Area 1 violent 10 crimes? 11 A Yes, sir, I did. 12 Q Why did you want to work at Area 1 violent 13 crimes? 14 A I was familiar with the area having worked 15 in that -- that building for the majority of the 16 prior time I had been on the police department. 17 Again, I knew some people, some other detectives 18 who had worked there, and they seemed to speak 19 highly of the area. 20 Q Did you know any detectives when you 21 joined who were at Area 1 violent crimes? Sorry. 22 A Yes, I knew some of them. Yes, sir. 23 Q Who did you know? 24 A In Area 1?</p>



Transcript of Thomas Kelly  
Conducted on July 14, 2020

8 (29 to 32)

<p>29</p> <p>1 Q Yes.</p> <p>2 A I knew Joe Murphy.</p> <p>3 Q Anyone else you knew?</p> <p>4 A Jim O'Leary.</p> <p>5 Q Who else?</p> <p>6 A Brian Regan.</p> <p>7 Q Anyone else?</p> <p>8 A Steve Glynn.</p> <p>9 Q Anyone else?</p> <p>10 A I knew a lot of them by sight having</p> <p>11 worked with them on prior occasions --</p> <p>12 Q When you joined there -- sorry. Go ahead.</p> <p>13 A No, I'm done. Go ahead.</p> <p>14 Q When you joined Area 1, which watch were</p> <p>15 you assigned to?</p> <p>16 A Initially, days.</p> <p>17 Q When did it switch away from days?</p> <p>18 A Maybe eight or nine months.</p> <p>19 Q Was that by choice?</p> <p>20 A To leave days?</p> <p>21 Q Yeah.</p> <p>22 A Yes, sir. Yes, sir.</p> <p>23 Q Why did you want to leave days?</p> <p>24 A I don't like days.</p>	<p>31</p> <p>1 A A large majority of the violent crimes</p> <p>2 that we were assigned to handle would happen in</p> <p>3 the afternoon or evening hours, and there would be</p> <p>4 sometimes an extension of your tour of duty.</p> <p>5 Q How would you get overtime, let's say, in</p> <p>6 the time frame 1994 while you were at Area 1?</p> <p>7 A How would I -- how would I get assigned --</p> <p>8 Q What did you have to do to get overtime?</p> <p>9 A Be assigned to a task that could not be</p> <p>10 done in the prescribed amount of time or the --</p> <p>11 not the prescribed amount of time, the time before</p> <p>12 my tour of duty would end.</p> <p>13 Q And would you have to ask to get overtime?</p> <p>14 A Yes.</p> <p>15 Q Who would you have ask to get overtime?</p> <p>16 A You would inform whoever had originally</p> <p>17 given you the assignment that you were still on</p> <p>18 the assignment.</p> <p>19 Q Would they have to sign something to, you</p> <p>20 know, denote that you were entitled to overtime</p> <p>21 for that task?</p> <p>22 A They would sign a time-due slip, or the</p> <p>23 supervisor who had relieved whoever was working</p> <p>24 that watch would sign it upon the completion of my</p>
<p>30</p> <p>1 Q Why didn't you like days?</p> <p>2 A I just don't like anything about days. I</p> <p>3 never have.</p> <p>4 Q What about days don't you like?</p> <p>5 A I must be afraid of the sun, huh? No, I</p> <p>6 just don't care for it. I don't know how to</p> <p>7 explain it to you. I don't like -- I don't like</p> <p>8 days.</p> <p>9 Q Is it -- is it the hours in that you have</p> <p>10 to -- you didn't like being -- having to be at</p> <p>11 work, you know, from 8:00 to 4:00 or 9:00 to 5:00,</p> <p>12 or was it something about the -- the activities</p> <p>13 that you conducted on the job during that time</p> <p>14 that you didn't like?</p> <p>15 A I just found it to be long days. Eight</p> <p>16 hours would seem like 12 hours to me.</p> <p>17 Q What was your preferred watch?</p> <p>18 A Afternoons.</p> <p>19 Q All right. And why did you like</p> <p>20 afternoons?</p> <p>21 A Less traffic, more opportunities for</p> <p>22 overtime, more court time.</p> <p>23 Q Why were there more opportunities for</p> <p>24 overtime?</p>	<p>32</p> <p>1 tour of duty.</p> <p>2 Q And what if the sergeant, or whomever gave</p> <p>3 you the assignment in the beginning, was no longer</p> <p>4 on -- you know, working at the time that you were</p> <p>5 assigned to do overtime, who would you ask?</p> <p>6 A There were supervisors, at a minimum of a</p> <p>7 sergeant, on all three watches.</p> <p>8 I would let the -- if it was midnights,</p> <p>9 which it would be probably, the afternoon sergeant</p> <p>10 would tell the midnight sergeant Kelly, and</p> <p>11 whoever, are still out on a murder, we'll say, for</p> <p>12 example, and he would be aware of it.</p> <p>13 Q And you also said there's more</p> <p>14 availability for court time? Did you say that?</p> <p>15 A Yes. You would be going on your own time,</p> <p>16 your own off time.</p> <p>17 Q To court. And you would be compensated</p> <p>18 for that time in court?</p> <p>19 A Yes, sir.</p> <p>20 Q And so would court time be overtime if you</p> <p>21 were attending court on your own time?</p> <p>22 A Yes.</p> <p>23 Q When you were first assigned to Area 1,</p> <p>24 were you assigned a regular partner?</p>

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Transcript of Thomas Kelly  
Conducted on July 14, 2020

9 (33 to 36)

<p>33</p> <p>1 A No.</p> <p>2 Q For how long did you go without a regular</p> <p>3 partner at Area 1?</p> <p>4 A Maybe five to six weeks.</p> <p>5 Q And then were you assigned to a partner?</p> <p>6 A Yes.</p> <p>7 Q Who were you assigned to have as a</p> <p>8 partner?</p> <p>9 A That was Jim Ward, W-A-R-D.</p> <p>10 Q How long were you and Jim Ward partners?</p> <p>11 A I don't recall. Several years.</p> <p>12 Q So he switched to afternoons with you?</p> <p>13 A For a while, yes.</p> <p>14 Q Who was your next partner after Jim Ward?</p> <p>15 A I believe it was Rich Paladino.</p> <p>16 Q For how long were you and Rich Paladino</p> <p>17 partnered?</p> <p>18 A Again, several years.</p> <p>19 Q Who was your partner after Rich Paladino?</p> <p>20 A Then I believe it was -- I believe I might</p> <p>21 have gone back with Jim Ward for a while.</p> <p>22 Q There were a couple of Paladinos at Area</p> <p>23 1; is that right?</p> <p>24 A No.</p>	<p>35</p> <p>1 A That's it, to the best of my recollection.</p> <p>2 Q Were you at Area 1 until your retirement?</p> <p>3 A Yes, sir.</p> <p>4 Q And did you serve in Area 1 violent crimes</p> <p>5 from 1987 until your retirement?</p> <p>6 A Yes, sir.</p> <p>7 Q When did you retire?</p> <p>8 A June 29th of 2009.</p> <p>9 Q Since your retirement have you had any</p> <p>10 employment?</p> <p>11 A No, sir.</p> <p>12 Q Do you intend to have any employment?</p> <p>13 A Hopefully not.</p> <p>14 Q All right. How are you enjoying your --</p> <p>15 your retirement, sir?</p> <p>16 MR. GRILL: Objection to form.</p> <p>17 If you understand that, go ahead and</p> <p>18 answer.</p> <p>19 BY THE WITNESS:</p> <p>20 A Just fine, thank you.</p> <p>21 BY MR. AINSWORTH:</p> <p>22 Q All right. And you retired when you hit</p> <p>23 the mandatory retirement age; is that correct?</p> <p>24 A Yes, sir.</p>
<p>34</p> <p>1 Q Just the one?</p> <p>2 A Yes, sir.</p> <p>3 Q And was Rich Paladino the Paladino who had</p> <p>4 served at Area 2 and then moved over to Area 1?</p> <p>5 MR. GRILL: Objection to form of the</p> <p>6 question.</p> <p>7 (Reporter clarification.)</p> <p>8 MR. GRILL: Objection to form.</p> <p>9 BY MR. AINSWORTH:</p> <p>10 Q You can answer, sir.</p> <p>11 A Oh, I'm sorry. I'm sorry. I don't</p> <p>12 believe --</p> <p>13 Q Do you recall the question?</p> <p>14 A No, I remember.</p> <p>15 I don't believe Rich Paladino ever worked</p> <p>16 at Area 2. I could be mistaken.</p> <p>17 Q All right. What other partners did you</p> <p>18 have?</p> <p>19 A Jim Riley. Do you want me to spell it,</p> <p>20 sir, or no?</p> <p>21 Q That's okay.</p> <p>22 Who else?</p> <p>23 A Roger Murphy.</p> <p>24 Q Who else?</p>	<p>36</p> <p>1 Q Did you receive any training while you</p> <p>2 were -- well, strike that.</p> <p>3 While you were at the academy, were you</p> <p>4 trained on how to take notes?</p> <p>5 MR. GRILL: Objection to form.</p> <p>6 You can answer it if you understand the</p> <p>7 question.</p> <p>8 BY THE WITNESS:</p> <p>9 A Can you kind of rephrase that a little</p> <p>10 bit, sir, please.</p> <p>11 BY MR. AINSWORTH:</p> <p>12 Q Sure. Were you trained that it was</p> <p>13 important for police officers to take notes</p> <p>14 because you might make a lot of arrests in a year,</p> <p>15 and you might not remember what happened without</p> <p>16 the aid of your notes?</p> <p>17 MR. GRILL: Objection to form.</p> <p>18 MS. MEADOR: Join. That's Lisa Meador.</p> <p>19 Join.</p> <p>20 MR. GRILL: You can answer if you</p> <p>21 understand the question. Go ahead.</p> <p>22 BY THE WITNESS:</p> <p>23 A I think I was always aware that notes were</p> <p>24 important before that time, sir.</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

10 (37 to 40)

<p style="text-align: right;">37</p> <p><b>1 BY MR. AINSWORTH:</b></p> <p>2 Q All right. Did the police department of</p> <p>3 the academy train you that paperwork was an</p> <p>4 important part of a police officer's job?</p> <p>5 A Yes, sir.</p> <p>6 Q And is paperwork an important part of a</p> <p>7 police officer's job?</p> <p>8 A Yes, sir, it is.</p> <p>9 Q While you were at the academy, were you</p> <p>10 trained on how to interview witnesses?</p> <p>11 A This is in the detective portion of it or</p> <p>12 no?</p> <p>13 Q Just the academy, back in '69.</p> <p>14 A I don't specifically recall.</p> <p>15 Q How about in detective school, were you</p> <p>16 trained on how to interview witnesses?</p> <p>17 A Again, I don't specifically recall.</p> <p>18 Q I'm not asking you for what you were</p> <p>19 trained but just were you trained on how to</p> <p>20 interview witnesses?</p> <p>21 A I don't remember.</p> <p>22 MR. GRILL: In the detectives'...</p> <p>23 MR. AINSWORTH: Yeah, in the detective</p> <p>24 school.</p>	<p style="text-align: right;">39</p> <p><b>1 to question them, and they could either answer or</b></p> <p><b>2 not answer.</b></p> <p><b>3 I would also tell them broadly why they</b></p> <p><b>4 were under arrest.</b></p> <p>5 Q When you interrogated a suspect, would you</p> <p>6 assume that the suspect was guilty?</p> <p>7 A No.</p> <p>8 Q When you interrogated a suspect, would you</p> <p>9 suggest reasons why committing the crime would be</p> <p>10 less reprehensible --</p> <p>11 MR. GRILL: Objection --</p> <p>12 BY MR. AINSWORTH:</p> <p>13 Q -- such as that they were pressured to do</p> <p>14 it or the suspect had good reason to do it or the</p> <p>15 suspect, you know, acted in haste or something</p> <p>16 like that?</p> <p>17 MR. GRILL: Hang on.</p> <p>18 Objection --</p> <p>19 MS. MEADOR: Lisa Meador. Objection to</p> <p>20 form.</p> <p>21 MR. GRILL: Yeah.</p> <p>22 (Reporter clarification.)</p> <p>23 MR. GRILL: Same objection.</p> <p>24 Go ahead if you can --</p>
<p style="text-align: right;">38</p> <p><b>1 BY MR. AINSWORTH:</b></p> <p>2 Q Were you trained on how to interrogate</p> <p>3 suspects while you were at the detective school?</p> <p>4 A Possibly.</p> <p>5 Q Did you interrogate suspects during your</p> <p>6 career at Area 1?</p> <p>7 A Yes, sir.</p> <p>8 Q What was your practice in interrogating</p> <p>9 suspects? How would you conduct an interrogation?</p> <p>10 MR. GRILL: Objection; foundation.</p> <p>11 You can answer the question.</p> <p>12 BY THE WITNESS:</p> <p>13 A Is the suspect under arrest, sir, at this</p> <p>14 time or...</p> <p>15 BY MR. AINSWORTH:</p> <p>16 Q Yes, sir.</p> <p>17 A I would inform him of his rights. I would</p> <p>18 read them from the preprinted form.</p> <p>19 After each individual right, I would ask</p> <p>20 him if he understood what I had just stated to him</p> <p>21 or read to him.</p> <p>22 At the conclusion of all the rights, after</p> <p>23 he had acknow- -- he or she had acknowledged each</p> <p>24 of the rights, I would tell them I was now going</p>	<p style="text-align: right;">40</p> <p><b>1 BY THE WITNESS:</b></p> <p><b>2 A No, sir.</b></p> <p><b>3 BY MR. AINSWORTH:</b></p> <p>4 Q How would you interrogate suspects?</p> <p>5 MR. GRILL: Objection; form.</p> <p>6 BY MR. AINSWORTH:</p> <p>7 Q Like once you get to the point where</p> <p>8 you're going to ask some questions, would you --</p> <p>9 would you ask them leading questions and try to</p> <p>10 get them to admit? Would you confront them with</p> <p>11 the evidence that you had? Would you just simply</p> <p>12 ask them what happened? How would you conduct</p> <p>13 your interrogations?</p> <p>14 MR. GRILL: Objection; form. It's</p> <p>15 compound; foundation, as well.</p> <p>16 Go ahead if you can answer.</p> <p>17 BY THE WITNESS:</p> <p>18 A I would start by asking them what</p> <p>19 happened.</p> <p>20 BY MR. AINSWORTH:</p> <p>21 Q All right. And --</p> <p>22 A Or -- and -- and where they were,</p> <p>23 possibly, at the time of the incident.</p> <p>24 Q And were you aware, while you were a</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

11 (41 to 44)

<p style="text-align: right;">41</p> <p>1 detective, that false confessions can occur?</p> <p>2 MR. GRILL: Objection; form, foundation.</p> <p>3 BY THE WITNESS:</p> <p>4 <b>A I don't think I know exactly what the --</b></p> <p>5 <b>can you broaden the question a little bit or</b></p> <p>6 <b>explain it, sir?</b></p> <p>7 <b>BY MR. AINSWORTH:</b></p> <p>8 Q Sure. As a detective you're constantly</p> <p>9 gathering information and looking for</p> <p>10 inconsistencies; is that fair to say?</p> <p>11 <b>A As regard to the person under arrest or</b></p> <p>12 <b>the suspect?</b></p> <p>13 Q Or a witness, right.</p> <p>14 MR. GRILL: Objection; form.</p> <p>15 BY THE WITNESS:</p> <p>16 <b>A (No audible response.)</b></p> <p>17 <b>BY MR. AINSWORTH:</b></p> <p>18 Q Let me -- let me clarify my question</p> <p>19 because I see you struggling.</p> <p>20 How I would say it is that sometimes</p> <p>21 inconsistencies in people's stories are the result</p> <p>22 of a memory mishap -- memory slip or just because</p> <p>23 people perceive things in different ways from</p> <p>24 their different vantage points; would you agree</p>	<p style="text-align: right;">43</p> <p>1 correct?</p> <p>2 <b>A That's correct.</b></p> <p>3 Q And one way to gauge reliability of a</p> <p>4 suspect's statement to you, a confession to you,</p> <p>5 is to determine whether that confession contains</p> <p>6 information that only the perpetrator would know,</p> <p>7 right?</p> <p>8 MR. GRILL: Objection; form, foundation,</p> <p>9 incomplete hypothetical.</p> <p>10 MR. ADELMAN: Join.</p> <p>11 MS. MEADOR: Lisa Meador join, also.</p> <p>12 THE WITNESS: Sir?</p> <p>13 MR. AINSWORTH: Yes.</p> <p>14 THE WITNESS: Who was that gentleman, if</p> <p>15 you don't mind?</p> <p>16 MR. AINSWORTH: That was David Adelman.</p> <p>17 He represents Hal Garfinkel.</p> <p>18 MR. ADELMAN: I'm an assistant State's</p> <p>19 attorney.</p> <p>20 THE WITNESS: Oh, okay. I'm sorry. I</p> <p>21 didn't know who you were.</p> <p>22 Could you repeat the question, sir,</p> <p>23 please.</p> <p>24</p>
<p style="text-align: right;">42</p> <p>1 with me?</p> <p>2 MR. GRILL: Objection; form, incomplete</p> <p>3 hypothetical, calls for speculation.</p> <p>4 You can answer. Go ahead.</p> <p>5 BY THE WITNESS:</p> <p>6 <b>A Also, sometimes, sir, people lie.</b></p> <p>7 <b>BY MR. AINSWORTH:</b></p> <p>8 Q Right. And so that's the other half of it</p> <p>9 is that sometimes an inconsistency is an</p> <p>10 indication of an intentional effort to deceive; is</p> <p>11 that right?</p> <p>12 <b>A Yes, sir.</b></p> <p>13 Q And so, as an experienced detective, you</p> <p>14 would take in information from various witnesses</p> <p>15 and compare it to the facts that you knew them</p> <p>16 from other witnesses and from, you know, the</p> <p>17 forensics and crime scene and try to determine</p> <p>18 whether somebody's, you know, inconsistency was</p> <p>19 simply a -- a misremembering or if it was</p> <p>20 indicative of an intent to deceive; is that fair</p> <p>21 to say?</p> <p>22 <b>A That's a fair statement, yes, sir.</b></p> <p>23 Q Because you wanted to know whether</p> <p>24 statements provided to you were reliable or not,</p>	<p style="text-align: right;">44</p> <p>1 BY MR. AINSWORTH:</p> <p>2 Q I'll try.</p> <p>3 MR. GRILL: You could have it read back if</p> <p>4 you want.</p> <p>5 MR. AINSWORTH: No, it's okay.</p> <p>6 BY MR. AINSWORTH:</p> <p>7 Q You were trained, while you were a Chicago</p> <p>8 police detective, that one way to gauge the</p> <p>9 reliability of a suspect's statement was to not</p> <p>10 reveal nonpublic crime scene facts to the suspect</p> <p>11 and see if the suspect would provide details of</p> <p>12 the crime that would only be known by the</p> <p>13 perpetrator?</p> <p>14 MR. GRILL: Form. Objection; form.</p> <p>15 MR. ADELMAN: Join.</p> <p>16 BY THE WITNESS:</p> <p>17 <b>A I would say that's a true statement, yes,</b></p> <p>18 <b>sir.</b></p> <p>19 <b>BY MR. AINSWORTH:</b></p> <p>20 Q Because you wanted to know if -- if the</p> <p>21 statement to you was -- was accurate and reliable</p> <p>22 or if somebody was sending you on a wild goose</p> <p>23 chase; fair to say?</p> <p>24 <b>A If someone told me that they had cut the</b></p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

12 (45 to 48)

<p style="text-align: right;">45</p> <p>1 <b>victim's throat and the victim had been shot and</b>  2 <b>the victim's throat was fine, I would think that</b>  3 <b>would be an inconsistency, yes, sir.</b>  4 Q Yeah. And so you would withhold certain  5 nonpublic facts about the crime, such as whether  6 the victim had been shot or stabbed, to find out  7 what the suspect was going to say about the crime;  8 is that fair to say?  9 <b>A That's fair to say.</b>  10 Q And that was part of your training at the  11 Chicago Police Department; is that right, to  12 conduct interrogations in that way?  13 MR. GRILL: Objection; form.  14 BY THE WITNESS:  15 <b>A It may have been, it's just -- to me it's</b>  16 <b>just common sense.</b>  17 <b>BY MR. AINSWORTH:</b>  18 Q All right. Were you trained in how to  19 testify?  20 MR. GRILL: Objection; form, foundation as  21 well.  22 If you understand it, go ahead.  23 BY THE WITNESS:  24 <b>A I would say minimally.</b></p>	<p style="text-align: right;">47</p> <p>1 MS. MEADOR: Russell, can you give me the  2 Bates range, please?  3 MR. AINSWORTH: It's City 2538 -- oh,  4 sorry.  5 The first page is City 2530, and the last  6 page is City 2540. And each of these pages has  7 been e-mailed to counsel.  8 MS. MEADOR: This was part of the e-mail  9 you sent right before the dep, Russell?  10 MR. AINSWORTH: This has been e-mailed to  11 you, yes.  12 MS. MEADOR: Right. Just in the one you  13 sent right before the dep, just for clarification.  14 Thank you.  15 MR. AINSWORTH: Oh, you're trying to  16 say -- I see. You're trying to say that it was  17 sent shortly before the dep. That's what you want  18 to put in the record; is that it?  19 MS. MEADOR: Well, because you seem to be  20 intent on making some sort of inference that you  21 sent it prior. I'm just clarifying as to the  22 timing. We can --  23 MR. AINSWORTH: Sorry. I thought I did  24 send it prior to the dep like -- I thought we were</p>
<p style="text-align: right;">46</p> <p>1 <b>BY MR. AINSWORTH:</b>  2 Q All right. Well, let me show you a -- I'd  3 like to --  4 <b>A Could we back up for a second on that last</b>  5 <b>answer --</b>  6 Q Certainly.  7 <b>A -- is that all right?</b>  8 Q Yes.  9 <b>A Not -- I don't believe in the police</b>  10 <b>academy there was any specific testimony -- I</b>  11 <b>mean, it's -- excuse me, any specific classes</b>  12 <b>regarding testimony other than tell the truth.</b>  13 Q Okay. Let me show you what we'll mark as  14 Exhibit No. 1 to your deposition. I'm going to  15 show it to you on the screen.  16 (Kelly Exhibit No. 1 was marked for  17 identification.)  18 BY MR. AINSWORTH:  19 Q All right. So we'll mark this as Exhibit  20 No. 1. This is labeled Exhibit Thomas Kelly  21 training record.  22 <b>A I see it, yes, sir.</b>  23 Q All right. I'm going to direct your  24 attention to Page 9 of this document.</p>	<p style="text-align: right;">48</p> <p>1 saying the same thing, but...  2 BY MR. AINSWORTH:  3 Q Mr. Kelly --  4 <b>A Yes, sir. I'm going to -- one second.</b>  5 <b>I...</b>  6 (Brief pause.)  7 BY MR. AINSWORTH:  8 Q All right. Mr. Kelly?  9 <b>A Yes, sir.</b>  10 Q Looking -- you see where I've highlighted  11 on Exhibit No. 1, Page 9, V109, "Courtroom  12 Demeanor Credibility," there were two days of  13 training? Do you see --  14 <b>A Oh, I do see that. Yes, sir.</b>  15 Q Okay. And then there was a third day of  16 training down here where it says, "Courtroom  17 Demeanor Getting Prepared"; do you see that, sir?  18 <b>A Yes, sir, I do.</b>  19 Q So on three different days you were  20 provided training on courtroom demeanor; is that  21 right?  22 <b>A Someone may have read something at roll</b>  23 <b>call, but this -- to the best of my recollection,</b>  24 <b>this is not like an all-day course at the training</b></p>



Transcript of Thomas Kelly  
Conducted on July 14, 2020

13 (49 to 52)

<p style="text-align: right;">49</p> <p>1 academy. You had to get --</p> <p>2 Q I wasn't suggest- -- go ahead, sir.</p> <p>3 A No, go ahead. I'm sorry.</p> <p>4 Q I wasn't suggesting it was an all-day</p> <p>5 training, but do you recall watching a video on</p> <p>6 how to increase your credibility in court?</p> <p>7 A No, I don't.</p> <p>8 Q All right. What were your -- what was the</p> <p>9 training that you were provided on how to appear</p> <p>10 more credible in court?</p> <p>11 A Other than telling the truth and speak up</p> <p>12 so people can hear you. I -- I don't know if</p> <p>13 there's an inference there that -- I just don't</p> <p>14 like the way you phrased the question. I know</p> <p>15 that's my problem, but...</p> <p>16 Q What don't you like about the way I</p> <p>17 phrased the question, sir?</p> <p>18 A Well --</p> <p>19 MR. GRILL: Objection; argumentative.</p> <p>20 Just ask him another question.</p> <p>21 BY MR. AINSWORTH:</p> <p>22 Q You can answer, sir.</p> <p>23 MR. GRILL: It's argumentative.</p> <p>24</p>	<p style="text-align: right;">51</p> <p>1 MR. AINSWORTH: So you're saying that --</p> <p>2 then are you saying that you're directing him not</p> <p>3 to answer because, if so --</p> <p>4 MR. GRILL: No, I haven't said anything</p> <p>5 like that, Russell, and the record</p> <p>6 is explicably --</p> <p>7 MR. AINSWORTH: All right. Then --</p> <p>8 MR. GRILL: -- clear about that.</p> <p>9 MR. AINSWORTH: -- then let's -- let's</p> <p>10 proceed.</p> <p>11 MR. GRILL: So quit it. Just ask him a</p> <p>12 question. You're arguing with him. That's the</p> <p>13 problem.</p> <p>14 MR. AINSWORTH: Mr. Grill, please just</p> <p>15 state your objection succinctly for the record,</p> <p>16 and I will ask this question of Mr. Kelly.</p> <p>17 BY MR. AINSWORTH:</p> <p>18 Q Mr. Kelly, what didn't you like about the</p> <p>19 way that I was phrasing the question?</p> <p>20 MR. GRILL: Same objections.</p> <p>21 BY THE WITNESS:</p> <p>22 A I think there's an inference the way you</p> <p>23 asked the question. I don't know how -- I got the</p> <p>24 inference that there was some kind of training</p>
<p style="text-align: right;">50</p> <p>1 BY MR. AINSWORTH:</p> <p>2 Q You can answer the question.</p> <p>3 MR. GRILL: Do you understand the</p> <p>4 question --</p> <p>5 THE WITNESS: Yes. My --</p> <p>6 MR. GRILL: -- or do you want him to ask</p> <p>7 you another question?</p> <p>8 BY THE WITNESS:</p> <p>9 A Ask me another question.</p> <p>10 MR. AINSWORTH: No. No. Mr. Grill, you</p> <p>11 cannot do that. That is completely inappropriate,</p> <p>12 and I will end this deposition -- or I'll pause</p> <p>13 this deposition, and we will call the judge. You</p> <p>14 cannot do that.</p> <p>15 MR. GRILL: You're arguing --</p> <p>16 MR. AINSWORTH: I've asked a question.</p> <p>17 You can make your -- I'm speaking.</p> <p>18 You can make your objection. You can note</p> <p>19 it for the record. If you're directing him not to</p> <p>20 answer because you're asserting a privilege, then</p> <p>21 please do so, otherwise simply state your</p> <p>22 objection --</p> <p>23 MR. GRILL: You asked him -- you asked him</p> <p>24 an argumentative question.</p>	<p style="text-align: right;">52</p> <p>1 here how to make yourself more credible, and my</p> <p>2 only problem with that is the credibility is to</p> <p>3 tell the truth --</p> <p>4 BY MR. AINSWORTH:</p> <p>5 Q I see.</p> <p>6 A -- not go in there looking like you just</p> <p>7 fell off of a -- a hay wagon. I mean, that's part</p> <p>8 of your demeanor, my demeanor anyway.</p> <p>9 Q All right. Well, on those -- those two</p> <p>10 different -- I'm pointing you again to Exhibit</p> <p>11 No. 1, Page 9 where it refers to two different</p> <p>12 trainings on two different days entitled,</p> <p>13 "Courtroom Demeanor Credibility." And so I'm just</p> <p>14 referring to the training that you received on</p> <p>15 courtroom demeanor credibility on two different</p> <p>16 days.</p> <p>17 What were you trained in how to be more</p> <p>18 credible in court?</p> <p>19 MR. GRILL: It's asked and answered --</p> <p>20 MS. MEADOR: Objection, form.</p> <p>21 MR. GRILL: Yeah.</p> <p>22 BY THE WITNESS:</p> <p>23 A Sir, I don't even know if I was working</p> <p>24 those two days.</p>



Transcript of Thomas Kelly  
Conducted on July 14, 2020

14 (53 to 56)

<p>53</p> <p>1 <b>BY MR. AINSWORTH:</b></p> <p>2 Q All right. Well, this is what the City</p> <p>3 produced to us as your employee training record.</p> <p>4 That's -- that's your name at the top of the page</p> <p>5 where it says "Kelly, Thomas"; do you see that?</p> <p>6 <b>A Sir, I'll -- I'll tell you right now. I</b></p> <p>7 <b>was on the police department for 40 years. I have</b></p> <p>8 <b>never seen a form like this before. I know it's a</b></p> <p>9 <b>legitimate form, I'm not questioning that, but I</b></p> <p>10 <b>have no idea -- I had no idea there was such a</b></p> <p>11 <b>form.</b></p> <p>12 Q And your appointment date was March 3,</p> <p>13 1969 --</p> <p>14 <b>A Sir, I'm sure it's me. I -- I'm not</b></p> <p>15 <b>arguing --</b></p> <p>16 Q Okay.</p> <p>17 <b>A -- that with you.</b></p> <p>18 Q All right. So this is what the City has</p> <p>19 represented to us is your -- is a record of the</p> <p>20 trainings that you received. You were not in the</p> <p>21 practice of claiming to be at work when you</p> <p>22 weren't at work; is that right?</p> <p>23 <b>A No, sir.</b></p> <p>24 Q Okay. So I'm just asking you, sir --</p>	<p>55</p> <p>1 MR. GRILL: Objection; form, foundation.</p> <p>2 BY THE WITNESS:</p> <p>3 <b>A Yes, I would look at the jury.</b></p> <p>4 <b>BY MR. AINSWORTH:</b></p> <p>5 Q Why would you make eye contact with the</p> <p>6 jury when you would testify?</p> <p>7 MR. GRILL: Objection; incomplete</p> <p>8 hypothetical, form, and foundation.</p> <p>9 BY THE WITNESS:</p> <p>10 <b>A I would say that it's common practice, if</b></p> <p>11 <b>you're addressing someone, to make eye contact</b></p> <p>12 <b>with someone. I wouldn't sit up there and, you</b></p> <p>13 <b>know, put my head down and stare at my shoes.</b></p> <p>14 <b>It's just common courtesy. You're speaking to</b></p> <p>15 <b>them.</b></p> <p>16 <b>BY MR. AINSWORTH:</b></p> <p>17 Q Well, you're speaking -- you're answering</p> <p>18 questions from a State's attorney or -- or a</p> <p>19 defense counsel, right?</p> <p>20 <b>A Yes, but certainly the members of the jury</b></p> <p>21 <b>are the deciders eventually.</b></p> <p>22 Q And you wanted the jury to listen to you,</p> <p>23 right?</p> <p>24 <b>A Yes, I did.</b></p>
<p>54</p> <p>1 <b>A Sir, I --</b></p> <p>2 Q Well, let me ask this way --</p> <p>3 <b>A All I can tell you is I don't -- I've</b></p> <p>4 <b>already answered the question, to the best of my</b></p> <p>5 <b>ability.</b></p> <p>6 Q Well, let me ask you a new question: Were</p> <p>7 you trained to look at the jury as a way of</p> <p>8 appearing more credible?</p> <p>9 MR. GRILL: Objection --</p> <p>10 MS. MEADOR: Objection; form.</p> <p>11 MR. GRILL: Thank you. Asked and</p> <p>12 answered, too.</p> <p>13 BY MR. AINSWORTH:</p> <p>14 Q You can answer, sir.</p> <p>15 <b>A I don't believe I ever received any</b></p> <p>16 <b>training from the police department regarding</b></p> <p>17 <b>that. I would say, in preparation for any jury</b></p> <p>18 <b>trial where I would testify, a State's attorney</b></p> <p>19 <b>would, generally speaking, remind you to make some</b></p> <p>20 <b>eye contact at a minimum with the members of the</b></p> <p>21 <b>jury.</b></p> <p>22 Q And is that what you would do when you</p> <p>23 were -- would testify, to make eye contact with</p> <p>24 the jury?</p>	<p>56</p> <p>1 Q You wanted the jury to find you credible,</p> <p>2 correct?</p> <p>3 <b>A That would be up to the jury.</b></p> <p>4 Q But you wanted them to find you credible,</p> <p>5 correct?</p> <p>6 <b>A I was credible.</b></p> <p>7 Q I understand that, sir, I'm just asking</p> <p>8 you that you wanted the jury to find you credible,</p> <p>9 correct?</p> <p>10 MS. MEADOR: Objection; asked and</p> <p>11 answered.</p> <p>12 BY MR. AINSWORTH:</p> <p>13 Q Is that correct, sir?</p> <p>14 <b>A Yes.</b></p> <p>15 Q All right. And then on the next page,</p> <p>16 Page 10, you see that there's yet another training</p> <p>17 on courtroom demeanor credibility; do you see</p> <p>18 that?</p> <p>19 <b>A Yes, sir. Could -- could we go back to</b></p> <p>20 <b>the prior -- whatever it was, V...</b></p> <p>21 Q Yeah.</p> <p>22 <b>A All right. Here, sir, on --</b></p> <p>23 Q And we're looking --</p> <p>24 MR. AINSWORTH: Just for the record we're</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

15 (57 to 60)

<p>57</p> <p>1 looking at Page 9 of Exhibit 1. 2 BY MR. AINSWORTH: 3 Q Go ahead, sir. 4 <b>A Yes, sir. On V159 on the 15th of November</b> 5 <b>2004, it states that I had a training on diversity</b> 6 <b>regarding Hinduism. I certainly have no</b> 7 <b>recollection of that, and it is on my permanent</b> 8 <b>training record.</b> 9 Q All right. So you have -- 10 <b>A That's just a point of clarification for</b> 11 <b>me.</b> 12 Q All right. So you have no recollection of 13 ever being trained on diversity Hinduism, is that 14 right, by the Chicago Police Department? 15 <b>A That's correct.</b> 16 Q Do you think that -- are you trying to 17 communicate that because you don't recall it you 18 believe that you were never trained on diversity 19 Hinduism? 20 <b>A Yes, I never was that I recall.</b> 21 Q And, thus, you believe you were never 22 trained on courtroom demeanor credibility; is that 23 right? 24 <b>A I'm not saying that. I'm just saying I</b></p>	<p>59</p> <p>1 MR. GRILL: Objection -- 2 MS. MEADOR: Objection; form, founda- -- 3 (Reporter clarification.) 4 MS. MEADOR: Go ahead, Andrew. 5 MR. GRILL: Objection; form, 6 mischaracterizes his testimony. 7 MS. MEADOR: I'll object to form and 8 foundation. 9 BY MR. AINSWORTH: 10 Q You can answer the question, sir. 11 <b>A Could you run it by me one more time,</b> 12 <b>please.</b> 13 Q Sure. Are you saying that some Chicago 14 police records are accurate and some Chicago 15 police records are inaccurate? 16 MS. MEADOR: Same objection. 17 MR. GRILL: Join. 18 BY THE WITNESS: 19 <b>A All I'm saying is that all of the training</b> 20 <b>listed here was not necessarily given or read in</b> 21 <b>my presence, even though I may have been working</b> 22 <b>that day.</b> 23 BY MR. AINSWORTH: 24 Q And you said that you believe that the</p>
<p>58</p> <p>1 <b>don't recall it.</b> 2 Q Okay. And do you -- are you saying that 3 you believe the City of Chicago's records 4 regarding the training that you provi- -- you were 5 provided are inaccurate? 6 <b>A I think that's quite a possibility, yes,</b> 7 <b>sir.</b> 8 Q Why do you believe it's a possibility that 9 your training record kept and provided by the City 10 of Chicago Police Department is inaccurate? 11 <b>A 40 years of being a Chicago policeman...</b> 12 Q All right. So -- 13 <b>A (Continuing) ... not everything is</b> 14 <b>accurate.</b> 15 Q So, in your experience as a Chicago police 16 officer, police records have often been found 17 inaccurate; is that what you're saying? 18 <b>A No, that's not what I'm saying.</b> 19 MS. MEADOR: Objection; form. 20 MR. GRILL: Join. 21 BY MR. AINSWORTH: 22 Q All right. So are you saying that certain 23 police records are accurate and other police 24 records are not accurate?</p>	<p>60</p> <p>1 record might be inaccurate because of your 2 experience with 40 years on the police force. And 3 I'm trying to find out what it was about your 4 experience with the Chicago police force that 5 leads you to believe that the Chicago Police 6 Department's record of the training you were 7 provided might be inaccurate? 8 <b>A Because I look at this, and I certainly</b> 9 <b>don't remember some of it. Now, I may have gotten</b> 10 <b>it, but I don't remember it.</b> 11 Q All right. So, I guess, this is one of 12 the situations where it might be a lapse in 13 memory, right? 14 <b>A Well, I don't remember too much about 1971</b> 15 <b>regarding training. No, I don't.</b> 16 Q Well, I'm not talking about 1971. To be 17 clear, this training was provided in 2004, right? 18 <b>A Yes, sir.</b> 19 <b>Sir, I'm on a water pill. Can I take a</b> 20 <b>break, if you don't mind?</b> 21 MR. AINSWORTH: Certainly. 22 THE WITNESS: Thank you. 23 MR. AINSWORTH: Let's go off the record. 24 (Short recess.)</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

16 (61 to 64)

<p>61</p> <p>1 MR. AINSWORTH: Let's go back on the 2 record. 3 BY MR. AINSWORTH: 4 Q Mr. Kelly, did you have experience with 5 Chicago police records being unreliable? 6 MS. MEADOR: Objection to form. 7 MR. GRILL: Join. 8 BY THE WITNESS: 9 A No, sir. 10 BY MR. AINSWORTH: 11 Q So you think it would be a -- an 12 aberration for this particular document, 13 Exhibit 1, to be inaccurate; is that what you're 14 saying? 15 MS. MEADOR: Objection; form, 16 mischaracterizes the witness's testimony. 17 MR. GRILL: Join. 18 BY THE WITNESS: 19 A It may be. 20 BY MR. AINSWORTH: 21 Q When you were a detective, would you 22 send -- would you send suspects to take Polygraph 23 exams? 24 A After they agreed to take the exam, yes,</p>	<p>63</p> <p>1 turning back to Exhibit 1, it appears in this 2 record that you were provided an in-service 3 detective homicide seminar on March 8, 1991; do 4 you see that, sir? 5 A Yes, sir. 6 Q Do you recall that training on -- a 7 homicide seminar? 8 A No, I don't. 9 Q Do you know what you were trained with 10 regard to how to investigate homicides in that 11 training in March of 1991? 12 A No, sir. 13 Q Were you trained to investigate homicides 14 any differently from any other crime? 15 A Yes, I would say so. 16 Q How were you trained to investigate 17 homicides differently from other crimes? 18 A Well, certainly the protection of the 19 crime scene, all evidence, as opposed to a 20 shoplifter. 21 Q Okay. So more vigorous collection of 22 evidence and protection of evidence; is that fair 23 to say? 24 MS. MEADOR: Objection as to form.</p>
<p>62</p> <p>1 sir. 2 Q So you would offer them to take a 3 Polygraph exam, correct? 4 A Not all. Some, yes, sir. 5 Q Some. You thought it was a helpful 6 investigative tool; is that right? 7 A Yes, sir. 8 Q And why did you think it was a helpful 9 investigative tool to give somebody a Polygraph 10 exam? 11 A Well, if the results were that the person 12 was not being truthful, you could certainly 13 confront them with that. 14 Q And so interrogations you would confront 15 witnesses with evidence; is that right? 16 A Yes. 17 Q And see how they would respond, correct? 18 A Yes, sir. 19 Q All right. When you worked Gang Crime 20 South, were you assigned to a particular gang? 21 A No. There were gang -- gang specialists, 22 and it was just a regular force of patrol 23 officers. I was not a gang specialist. 24 Q I see. Okay. I wanted to ask you,</p>	<p>64</p> <p>1 BY THE WITNESS: 2 A Generally -- generally, there's more 3 evidence to collect or process than a shoplifting. 4 BY MR. AINSWORTH: 5 Q All right. How else were you trained to 6 investigate a homicide differently from other 7 types of crimes? 8 MR. GRILL: Objection; form. 9 BY THE WITNESS: 10 A There was a -- when I arrived in Area 1 11 violent crimes, I was given a -- I think it's 12 about a two-page outline of requirements for the 13 reports or categories, such as evidence, 14 witnesses, et cetera, the victim. 15 BY MR. AINSWORTH: 16 Q And what about that two-page resource you 17 were provided? 18 A It's an outline. It's what the powers to 19 be -- other than the body of the investigation 20 itself, it's certain information that, if it was 21 available, was required to go into a preliminary 22 report, preliminary supplementary. 23 Q What was that document called? 24 A I have no idea. It's not an official</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

17 (65 to 68)

<p>65</p> <p>1 <b>document. It's a working --</b>  2 Q Who provided it?  3 <b>A Somebody in Area 1. I don't recall, sir.</b>  4 Q And how did that document tell you to  5 investigate homicides differently from other  6 crimes?  7 <b>A I thought -- the document didn't tell me</b>  8 <b>how to investigate it. The document told me what</b>  9 <b>was required in garnering basic information, and</b>  10 <b>there was more information that would be required</b>  11 <b>on a regular -- a normal case report.</b>  12 Q What was -- what was required or suggested  13 by that document that would be more than what was  14 required on a report for a different type of  15 crime?  16 <b>A As much detailed information on the</b>  17 <b>victim, contact information on the victim; the</b>  18 <b>medical examiner's number on the victim; the</b>  19 <b>apparent -- to our -- with my untrained eye, the</b>  20 <b>apparent injuries; if there was an offender either</b>  21 <b>in custody or a description of a wanted offender</b>  22 <b>or offenders, that would also be in there; if a</b>  23 <b>State's attorney was notified if there was someone</b>  24 <b>in custody; as much possible witness information</b></p>	<p>67</p> <p>1 but did you meet with anyone to prepare for your  2 deposition?  3 <b>A Yes, I did.</b>  4 Q Who did you meet with?  5 <b>A My two attorneys down here, my two fine</b>  6 <b>attorneys, sir.</b>  7 Q All right. I'm going to assume that's  8 Mr. Grill and Mr. Moran; is that -- is that  9 correct?  10 <b>A That's correct, yes, sir.</b>  11 Q Was anyone else present for that meeting?  12 <b>A No, sir.</b>  13 Q And was that meeting in person or virtual?  14 <b>A In person.</b>  15 Q All right. Did you meet at the Rock Fusco  16 office?  17 <b>A Yes, I did.</b>  18 Q For how long was that meeting? And,  19 again, not what was said but just how long it was?  20 <b>A Several hours.</b>  21 Q More than three hours?  22 <b>A Yes, sir, I think it was.</b>  23 Q And when did you meet?  24 <b>A Yesterday, the 13th of July.</b></p>
<p>66</p> <p>1 <b>as you could get for contact points; places of</b>  2 <b>employment, et cetera, so that you could reach out</b>  3 <b>for them four years down the road and hopefully</b>  4 <b>contact them; personnel assigned, the crime lab</b>  5 <b>personnel; what evidence the crime lab recovered.</b>  6 <b>It's just more -- it's more detailed than</b>  7 <b>a normal, we'll say, theft report.</b>  8 Q In 1987 you received a commendation from  9 the department for identifying a rental car that  10 had been stolen; do you recall that incident?  11 <b>A Not specifically, no.</b>  12 Q Do you recall the Antwinica Bridgeman  13 murder investigation?  14 <b>A No.</b>  15 Q What did you do to prepare for this  16 deposition?  17 MR. GRILL: Object to that question to the  18 extent it touches on anything you and I talked  19 about. You can answer that question, but leave  20 out, in your answer, anything you and I discussed.  21 BY MR. AINSWORTH:  22 Q And let me withdraw that question because  23 that's a fair point by Counsel.  24 Did you -- not telling me what was said,</p>	<p>68</p> <p>1 Q Okay. Did you meet with your attorneys to  2 prepare for a deposition prior to that?  3 <b>A No, sir.</b>  4 Q What documents did you review in  5 preparation for your deposition?  6 <b>A The GPR that I had prepared regarding the</b>  7 <b>interview with Mr. Coleman.</b>  8 Q Did you review any other documents?  9 <b>A No, I did not.</b>  10 Q Did you review any photographs?  11 <b>A No, I did not.</b>  12 Q Did you review any -- any supp reports?  13 <b>A No, I did not.</b>  14 Q Do you know if your name is on any supp  15 reports in this case, the Antwinica Bridgeman  16 investigation case?  17 <b>A I -- I have no idea who that is.</b>  18 Q Well, the case that you've been sued on,  19 sir, do you know if your name is on any of the  20 supp reports in that case?  21 <b>A I don't know.</b>  22 Q Did you review any transcripts of  23 testimony in this case?  24 <b>A No, I did not.</b></p>

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Transcript of Thomas Kelly  
Conducted on July 14, 2020

18 (69 to 72)

<p>69</p> <p>1 Q Did you talk with anyone apart from your 2 attorneys about your deposition? 3 <b>A No, I did not.</b> 4 Q Have you talked to any of the other 5 defendants in this case outside the presence of 6 your counsel? So I'm -- I'm specifically just -- 7 you know, if you're talking with them when your 8 counsel is present, I don't want you to tell me 9 about that; but if you're talking to other 10 defendants when your attorneys were not present, 11 has that happened, where you talked to some of the 12 other defendants about this case since you've been 13 sued without your lawyers being present? 14 <b>A No, I have not.</b> 15 Q Why not? Why haven't you talked to any of 16 your old buddies about this lawsuit? 17 MS. MEADOR: Objection -- 18 MR. GRILL: Objection, form. 19 MS. MEADOR: -- form and foundation. 20 I'm sorry, Andrew. Go ahead. 21 MR. GRILL: That's okay. We're just 22 thinking the same, Lisa. That's all. 23 MS. MEADOR: Okay. I'll -- I'll join your 24 objections.</p>	<p>71</p> <p>1 physical appearance, back in 1994? 2 <b>A He's about five-ten, a little chunky. I</b> 3 <b>think in those days he probably wore his hair a</b> 4 <b>little bit longer than I did.</b> 5 Q What color hair? 6 <b>A I think it's kind of like what I used to</b> 7 <b>refer to as "dishwater blond." Am I showing my</b> 8 <b>age?</b> 9 Q Did he have -- did he wear glasses back in 10 the 1994 time frame? 11 <b>A I don't think so.</b> 12 Q And did he have facial hair back in that 13 1994 time frame? 14 <b>A He may have had a mustache. I'm not sure.</b> 15 Q And you worked with Kenny Boudreau for a 16 number of years, right? 17 <b>A Not as a partner. We were in the same</b> 18 <b>unit, yes.</b> 19 Q And he started in -- 1990 sound about 20 right? 21 <b>A I don't know for sure.</b> 22 Q What was your physical appearance back in 23 1994? And I'll -- and I'll represent to you that 24 I've -- I've seen you refer to your physical</p>
<p>70</p> <p>1 BY THE WITNESS: 2 <b>A Is there a question hanging there, sir?</b> 3 <b>BY MR. AINSWORTH:</b> 4 Q Yeah, well, let me ask you this: Do you 5 think this lawsuit is a bunch of baloney? 6 MR. GRILL: Objection. 7 Go ahead. 8 BY THE WITNESS: 9 <b>A No, I don't.</b> 10 <b>BY MR. AINSWORTH:</b> 11 Q Okay. Do you think that -- did you want 12 to know, from your fellow detectives, you know, 13 what happened during this investigation that -- 14 that led to a conviction being overturned and a 15 lawsuit being filed? 16 <b>A No.</b> 17 Q Why not? 18 <b>A I had nothing to do with the case other</b> 19 <b>than one GPR, sir.</b> 20 Q All right. Do you know Kenny Boudreau? 21 <b>A Yes, sir, I do.</b> 22 Q How do you know him? 23 <b>A Through work in Area 1.</b> 24 Q All right. Can you describe him, his</p>	<p>72</p> <p>1 description as 6 foot 2, 220. Would that be an 2 accurate description of your height and weight 3 back in 1994? 4 <b>A I don't think I weighed 220. I would say</b> 5 <b>around 200 pounds.</b> 6 Q All right. What about the height? 7 <b>A I don't think I had started to shrink yet.</b> 8 <b>I think that's accurate.</b> 9 Q All right. 6 foot 2 and 200. What color 10 hair did you have back in 1994? 11 <b>A Brown, I guess. Dark brown.</b> 12 Q Did you wear glasses? 13 <b>A What year is this now when this occurred?</b> 14 <b>'94?</b> 15 Q 1994. 16 <b>A Well, I was 40 years old when I got</b> 17 <b>glasses, so I guess I didn't have them yet.</b> 18 Q All right. And did you have any facial 19 hair? 20 <b>A Did I? No.</b> 21 Q What about the '70s? Did you have facial 22 hair then? 23 <b>A I had a mustache at one time, and I can't</b> 24 <b>really tell you when. Probably '70s.</b></p>



Transcript of Thomas Kelly  
Conducted on July 14, 2020

19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 Q Okay. How about Jack Halloran? Do you 2 know Jack Halloran at Area 1? 3 <b>A Yes, I do.</b> 4 Q You worked with him for a long time, 5 right? 6 <b>A Not as a partner, no.</b> 7 Q But he was in the same unit as you for a 8 long time? 9 <b>A Yes, sir.</b> 10 Q Over a decade? 11 <b>A Yes. Yes, sir.</b> 12 Q How would you describe his height and 13 weight? 14 <b>A Six foot maybe, in good shape, looked like</b> 15 <b>he might have worked out a little bit, you know,</b> 16 <b>wore his hair parted down the middle. I'd say</b> 17 <b>it's a light -- light brownish hair, not long,</b> 18 <b>well kept.</b> 19 Q Did he have any facial hair? 20 <b>A I don't think so.</b> 21 Q All right. Did he wear glasses? 22 <b>A Not that I recall.</b> 23 Q Mike Clancy. How would you describe his 24 physical appearance back in 1994?</p>	<p style="text-align: right;">75</p> <p>1 MS. MEADOR: Same objection. 2 MR. GRILL: Foundation. 3 BY THE WITNESS: 4 <b>A I really don't recall, sir. I don't think</b> 5 <b>that O'Brien was.</b> 6 <b>BY MR. AINSWORTH:</b> 7 Q Okay. What about Bill Foley? What was 8 his physical appearance like? 9 <b>A He was, again, about six-foot, thin build,</b> 10 <b>kind of blondish hair. I believe he had a</b> 11 <b>mustache, and he may have worn glasses but a -- a</b> 12 <b>thin build.</b> 13 Q And your description of him is for -- 14 approximately 1994 time frame; is that right? 15 <b>A Yes, sir.</b> 16 Q All right. How about Al Graf? What was 17 his physical appearance like in the 1994 time 18 frame? 19 <b>A He's probably in that six-foot range, a</b> 20 <b>little chunky, mustache, brown or black hair. I</b> 21 <b>don't believe he wore glasses.</b> 22 Q Bill Moser. What was his appearance like 23 in about 1994? 24 <b>A About six-one, chunky, blondish hair. I</b></p>
<p style="text-align: right;">74</p> <p>1 <b>A Six-oneish, I think. Six foot, six-one,</b> 2 <b>average build. I believe he had dark hair. I</b> 3 <b>don't think he had facial hair.</b> 4 Q What about glasses? 5 <b>A I don't recall. I don't know.</b> 6 Q All right. Jim O'Brien. How would you 7 describe his appearance back in 1994? 8 <b>A About six-three, six-four, a large</b> 9 <b>build -- not fat, just a large build. I don't</b> 10 <b>believe -- no, he didn't wear glasses, dark hair,</b> 11 <b>black hair, I would say. I don't recall facial</b> 12 <b>hair.</b> 13 Q Was he the tallest guy in Area 1 back in 14 '94? 15 <b>A No, I don't believe he was.</b> 16 MS. MEADOR: Objection -- 17 BY MR. AINSWORTH: 18 Q Who -- 19 MS. MEADOR: -- foundation. My apologies. 20 MR. GRILL: Join. 21 BY MR. AINSWORTH: 22 Q Who was the tallest guy in Area 1 at the 23 time? 24 MR. GRILL: Objection; form.</p>	<p style="text-align: right;">76</p> <p>1 <b>believe he had a mustache. I don't think he wore</b> 2 <b>glasses.</b> 3 Q Stan Turner. How would you describe his 4 appearance back in 1994? 5 <b>A Who, sir?</b> 6 Q Stan Turner. 7 <b>A He's a male, black.</b> 8 Q Why did you say "male, black"? 9 <b>A You asked me to describe him.</b> 10 MR. GRILL: Objection. 11 BY MR. AINSWORTH: 12 Q You didn't call -- you -- describe any of 13 the other people that we've talked about as 14 "males," right? 15 MR. GRILL: Objection; argumentative, 16 form. 17 BY MR. AINSWORTH: 18 Q I'm just -- I'm just observing that, you 19 know, the only person you called "male" was Stan 20 Turner as a male, black; did I get that right? 21 MR. GRILL: Objection, form. It's 22 argumentative. 23 BY MR. AINSWORTH: 24 Q You can answer the question.</p>



Transcript of Thomas Kelly  
Conducted on July 14, 2020

20 (77 to 80)

<p style="text-align: right;">77</p> <p>1 <b>A He was the only one I described as male,</b>  2 <b>yes.</b>  3 Q All right. And so did he have any facial  4 hair?  5 <b>A I don't think so.</b>  6 Q Did he wear glasses?  7 <b>A I don't think so.</b>  8 Q And about how tall was he?  9 <b>A Six foot, six-one.</b>  10 Q What kind of build?  11 <b>A Heavy, not -- slightly heavy.</b>  12 Q How about Gerry Carroll? What was his  13 physical description? How would you describe it  14 back in about 1994?  15 <b>A Five-eleven, six foot, kind of chunky</b>  16 <b>then, straight hair, probably brownish. I don't</b>  17 <b>believe he wore glasses.</b>  18 Q What about facial hair?  19 <b>A Not that I recall.</b>  20 Q Do you know assistant State's attorney Hal  21 Garfinkel?  22 <b>A I remember the name from his time at</b>  23 <b>felony review.</b>  24 Q And tell us about your interactions with</p>	<p style="text-align: right;">79</p> <p>1 <b>promotion party or a retirement party I would</b>  2 <b>socialize with them then. I would not say I</b>  3 <b>socialized with them on a -- any of the fellas on</b>  4 <b>a regular basis.</b>  5 Q Did you know any of those people I --  6 whose names I just read better than the others?  7 MR. GRILL: Objection to form.  8 BY THE WITNESS:  9 <b>A I would say Graf, Moser, and Halloran.</b>  10 <b>BY MR. AINSWORTH:</b>  11 Q How do you know Graf, Moser and Halloran  12 better than the others?  13 <b>A From prior assignments. We were in the</b>  14 <b>same units.</b>  15 Q Which units was that?  16 <b>A I believe with Halloran it was what was</b>  17 <b>called the gang unit.</b>  18 <b>With Moser and Graf it would have been, I</b>  19 <b>believe, special operations group.</b>  20 Q Did you attend any of the other  21 defendants' weddings?  22 <b>A No, I don't believe I did.</b>  23 Q When was the last time you saw -- and I'll  24 just go down the list.</p>
<p style="text-align: right;">78</p> <p>1 Hal Garfinkel. Did you have any?  2 <b>A I may have had cases with him when he was</b>  3 <b>in felony review.</b>  4 Q Did you ever testify at a trial where he  5 was the prosecutor?  6 <b>A Not that I recall, but it's possible.</b>  7 Q Which of these officers that -- whose  8 names I just read to you -- and I can read them  9 back if you need them, but which ones did you  10 socialize with back in the '90s? And it's Kenny  11 Boudreau, Jack O'Brien, Mike Clancy -- sorry, Jack  12 Halloran, Mike Clancy, Jim O'Brien, Bill Foley, Al  13 Graf, Bill Moser, and Gerry Carroll and Stan  14 Turner.  15 MR. GRILL: Objection -- objection to  16 form.  17 BY THE WITNESS:  18 <b>A Can you clarify "socialize," what you mean</b>  19 <b>exactly?</b>  20 <b>BY MR. AINSWORTH:</b>  21 Q Yeah. Go get a drink with them outside of  22 work, do something social with them outside of  23 work hours, go to their house?  24 <b>A Generally, any type of a -- like a</b></p>	<p style="text-align: right;">80</p> <p>1 When was the last time you saw Kenny  2 Boudreau?  3 <b>A I believe a couple years ago at a --</b>  4 <b>matter of fact, I don't know how long he's been</b>  5 <b>retired, but it was a little gathering. I believe</b>  6 <b>it was his last day of work on the police</b>  7 <b>department.</b>  8 Q Where was that held?  9 <b>A I believe it was at Barraco's at 111th</b>  10 <b>and -- that's roughly between California and</b>  11 <b>Kedzie, about 111.</b>  12 Q How about Jack Halloran? When was the  13 last time you saw him?  14 <b>A I think I saw him at a tavern. We had a</b>  15 <b>little retirement party for somebody, and I don't</b>  16 <b>recall who, probably within the last two years</b>  17 <b>maybe.</b>  18 Q But not Boudreau's party?  19 <b>A Oh, he may have been there, yes.</b>  20 Q I see. How about Mike Clancy? When was  21 the last time you saw him?  22 <b>A It's at least 11 years. I don't recall --</b>  23 <b>I don't know. I have no idea, but I haven't seen</b>  24 <b>him since I retired.</b></p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

21 (81 to 84)

<p style="text-align: right;">81</p> <p>1 Q What about Jim O'Brien? When was the last 2 time you talked to him? 3 <b>A Probably at the little Boudreau party.</b> 4 Q Have you talked to him or reached out to 5 him since he got ill? 6 <b>A No, I haven't.</b> 7 Q How about Al Graf? When was the last time 8 you spoke to him? 9 <b>A It, again, is -- it's been a couple years.</b> 10 <b>And it -- I don't recall the exact function, but</b> 11 <b>it would have been something that was like a</b> 12 <b>retirement or promotion. It would have been</b> 13 <b>related to where I -- where I previously worked.</b> 14 Q And how about Bill Moser? 15 <b>A 11, 12, years.</b> 16 Q And Gerry Carroll. When was the last time 17 you spoke to him? 18 <b>A Again, at -- probably at Boudreau's little</b> 19 <b>party.</b> 20 Q Let me show you what we'll mark as Exhibit 21 No. 2. This is a -- a photograph Bates numbered 22 Scene -- I'm sorry, City 304. 23 (Kelly Exhibit No. 2 was marked for 24 identification.)</p>	<p style="text-align: right;">83</p> <p>1 Q Or it's his left, right? 2 <b>A Yeah, my -- I'm sorry, my right, his left,</b> 3 <b>I think that's O'Brien.</b> 4 Q All right. And now let's just move on 5 over. 6 Do you recognize anyone in this group at 7 the top of the photo by the doorway? 8 <b>A No, it's -- it's very hard to see. You're</b> 9 <b>talking about the guy with the cap on in the white</b> 10 <b>shirt?</b> 11 Q Yeah. 12 <b>A No, I -- I can't see his face.</b> 13 Q All right. And we have a group of people 14 over here. Can you recognize any of the people in 15 this kind of circle behind the pole? 16 <b>A That is -- really the only one looking</b> 17 <b>somewhat straight ahead is Bill Foley, got a tan</b> 18 <b>trench coat on and glasses.</b> 19 Q Can you recognize any of the other 20 individuals in that group? 21 <b>A No. Not with certainty, no.</b> 22 Q Do any of them look familiar to you? 23 <b>A Not -- yeah, to a degree, yeah, but I</b> 24 <b>can't tell you who they are.</b></p>
<p style="text-align: right;">82</p> <p>1 BY MR. AINSWORTH: 2 Q All right. Do you see a -- this is a 3 photograph taken in 1994, and I just want you to 4 take a look at this and see if you can identify 5 any of the people you see in this photograph 6 starting with the -- on the left there's three 7 people over here. 8 <b>A I'll tell you, it's extremely hard for me</b> 9 <b>to see it. Can you enlarge it or not?</b> 10 Q I can try. 11 (Brief pause.) 12 BY MR. AINSWORTH: 13 Q Starting with the left-hand side of this 14 photo, I might be able to... 15 <b>A I can see it now fairly well.</b> 16 Q Okay. Who are those people on the 17 left-hand side with -- one with the men in what 18 appears to be a green jacket with his back to the 19 camera and then two other individuals. 20 <b>A I have -- I don't know who has his back to</b> 21 <b>the camera, but that would appear -- that would</b> 22 <b>appear to be Gerry Carroll on the left with a --</b> 23 <b>it looks like a green collar on a dark jacket.</b> 24 <b>And to his right...</b></p>	<p style="text-align: right;">84</p> <p>1 Q Well, who looks familiar? 2 <b>A Well, everyone in a trench coat I presume</b> 3 <b>is the police. And there's an officer in uniform</b> 4 <b>whose face I can't see. I presume they all work</b> 5 <b>in Area 1, but I can't tell you who they are.</b> 6 Q All right. What about the guy all the way 7 to the right of the photo with a -- what appears 8 to be a clipboard or a pad of paper under his arm? 9 <b>A If you -- could you -- I don't know</b> 10 <b>without you maybe enlarging it.</b> 11 Q All right. Do you see that fellow? 12 <b>A Yeah. I don't know who it is.</b> 13 Q All right. That was Exhibit 2. 14 Do you have -- when you reviewed the GPR 15 of your -- the GPR of a conversation with Nevest 16 Coleman, did that refresh your recollection about 17 any of the events concerning the murder 18 investigation of Antwinica Bridgeman? 19 <b>A The -- I recall that the pipe in her</b> 20 <b>vagina was rather unusual. I do remember that --</b> 21 <b>hearing that somewhere, and that was really all I</b> 22 <b>remember about it.</b> 23 Q Do you believe that you were present for a 24 conversation with Nevest Coleman?</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

22 (85 to 88)

<p>85</p> <p>1 A I was present for a conversation with</p> <p>2 Nevest Coleman, yes.</p> <p>3 Q How do you know that?</p> <p>4 A Because I took a GPR with Mr. Coleman,</p> <p>5 signed my name to the GPR.</p> <p>6 Q Who else was present for that</p> <p>7 conversation?</p> <p>8 A Mr. Coleman and myself.</p> <p>9 Q How do you -- do you know if anyone else</p> <p>10 was present?</p> <p>11 A For the conversation it was between</p> <p>12 Mr. Coleman and myself.</p> <p>13 Q And how do you know that nobody else was</p> <p>14 present for that conversation?</p> <p>15 A I just know because I would have put down</p> <p>16 who else was present on the GPR.</p> <p>17 Q That was your practice, to write the name</p> <p>18 of anyone else who was present when you're</p> <p>19 conducting an interview; is that correct?</p> <p>20 A Yes, sir.</p> <p>21 Q And the absence of another police</p> <p>22 officer's name on your GPR suggests to you that</p> <p>23 you conducted the interview of Nevest Coleman</p> <p>24 alone, correct?</p>	<p>87</p> <p>1 in a open area on the second floor.</p> <p>2 Q How do you know the conversation took</p> <p>3 place at 51st and Wentworth on the second floor in</p> <p>4 an open area?</p> <p>5 A Because, to the best of my recollection,</p> <p>6 Mr. Coleman, I believe, was brought in by beat</p> <p>7 officer or officers, and he was seated at one of</p> <p>8 the chairs in that area.</p> <p>9 Q And do you recall that happening, or is</p> <p>10 there something that you're using to refresh your</p> <p>11 recollection?</p> <p>12 A That is where I conducted interviews of</p> <p>13 witnesses.</p> <p>14 Q I understand that, sir. I'm trying to</p> <p>15 find out if you recall Nevest Coleman actually</p> <p>16 sitting in one of those chairs or you're just</p> <p>17 presuming because that's where you would typically</p> <p>18 conduct interviews of witnesses?</p> <p>19 A The latter. I'm presuming that's where I</p> <p>20 would conduct witness interviews.</p> <p>21 Q So you don't actually know where the</p> <p>22 conversation with Nevest Coleman took place; is</p> <p>23 that correct?</p> <p>24 A No.</p>
<p>86</p> <p>1 A Yes, sir.</p> <p>2 Q And it's fair to say you don't have any</p> <p>3 independent recollection of that conversation</p> <p>4 where you can say from memory I was the only</p> <p>5 person there, you're just relying on your notes;</p> <p>6 is that right?</p> <p>7 A I know what my practice is -- I almost</p> <p>8 said "was," what my practice -- or, excuse me,</p> <p>9 what my practice was from my time as a detective.</p> <p>10 Q But have you no independent recollection</p> <p>11 of the conversation with Nevest Coleman; is that</p> <p>12 right?</p> <p>13 A Without referring to that, no.</p> <p>14 Q But even when you referred to the GPR,</p> <p>15 that doesn't let -- allow you to remember what</p> <p>16 happened, you're just reading off the GPR,</p> <p>17 correct?</p> <p>18 A Correct.</p> <p>19 Q You don't remember what Nevest Coleman</p> <p>20 looked like; is that right?</p> <p>21 A No, I don't.</p> <p>22 Q Do you recall where that interview took</p> <p>23 place?</p> <p>24 A At 51st and Wentworth on the second floor,</p>	<p>88</p> <p>1 Q And, sir, during this deposition, at</p> <p>2 certain times you've had a mask on and certain</p> <p>3 times you've had a mask off. And, you know,</p> <p>4 whatever suits your personal comfort is fine by</p> <p>5 us. I just want to make sure there's nothing</p> <p>6 about either the wearing of the mask or not</p> <p>7 wearing the mask that affects your ability to</p> <p>8 testify truthfully and accurately here today; is</p> <p>9 that right?</p> <p>10 A It has a tendency to fog up my glasses.</p> <p>11 Q But it doesn't affect your ability to</p> <p>12 testify truthfully --</p> <p>13 A No, it does not. No, sir.</p> <p>14 Q Thank you, sir.</p> <p>15 All right. Okay. In 1994 who was your</p> <p>16 partner?</p> <p>17 A I think it was Rich Paladino.</p> <p>18 Q Do you know if Rich Paladino was working</p> <p>19 on April 28, 1994 when you -- when you created the</p> <p>20 GPR about your conversation with Nevest Coleman?</p> <p>21 A No, I don't.</p> <p>22 Q What watch were you working in April 1994?</p> <p>23 A Third watch afternoons.</p> <p>24 Q What time would you typically arrive for</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

23 (89 to 92)

<p style="text-align: right;">89</p> <p>1 your watch?</p> <p>2 <b>A 4:30.</b></p> <p>3 Q Is that the time that your watch would</p> <p>4 begin?</p> <p>5 <b>A Yes, sir.</b></p> <p>6 Q And when did your watch end?</p> <p>7 <b>A 1:00. 1:00 a.m.</b></p> <p>8 Q And would you get there a little earlier</p> <p>9 to change and get ready for work, or would you</p> <p>10 just arrive at 4:30?</p> <p>11 <b>A I'd arrive raring to go, sir. I -- there</b></p> <p>12 <b>was no changing.</b></p> <p>13 Q All right. So you would get there at 4:30</p> <p>14 when were you supposed to be there, right?</p> <p>15 <b>A Or a little bit earlier, depending upon</b></p> <p>16 <b>traffic.</b></p> <p>17 Q All right. Do you recall anything about</p> <p>18 April 28, 1994?</p> <p>19 <b>A No, sir.</b></p> <p>20 Q You mentioned learning about a woman who</p> <p>21 had a pipe in her vagina. Did you learn that on</p> <p>22 the day that the pipe was discovered in the</p> <p>23 victim's vagina?</p> <p>24 <b>A Probably not.</b></p>	<p style="text-align: right;">91</p> <p>1 <b>A I don't recall -- I don't know.</b></p> <p>2 Q Do you know why it was that you were</p> <p>3 speaking to Nevest Coleman on April 28, 1994?</p> <p>4 <b>A Yes, sir.</b></p> <p>5 Q Why is that?</p> <p>6 <b>A He was a witness, an outcry witness to</b></p> <p>7 <b>discovery of the deceased.</b></p> <p>8 Q And what about Nevest Coleman being an</p> <p>9 outcry witness to the discovery of a body means</p> <p>10 that you were the one to question him?</p> <p>11 <b>A You lost me there. I'm sorry.</b></p> <p>12 Q Sure. Do you know why it was you who was</p> <p>13 questioning Nevest Coleman as opposed to somebody</p> <p>14 else or another detective?</p> <p>15 <b>A I believe I was in the office at the area</b></p> <p>16 <b>at the time. I think a supervisor probably told</b></p> <p>17 <b>me to interview him.</b></p> <p>18 Q Why do you believe -- or what do you base</p> <p>19 your belief that you're in the office at the time</p> <p>20 on?</p> <p>21 <b>A Because that's where the interview took</b></p> <p>22 <b>place.</b></p> <p>23 Q All right. But there's nothing else that</p> <p>24 suggests to you that you were in the office at the</p>
<p style="text-align: right;">90</p> <p>1 Q Why do you say "probably not"?</p> <p>2 <b>A I just don't recall knowing anything about</b></p> <p>3 <b>it for several days.</b></p> <p>4 Q How did you learn about a victim having a</p> <p>5 pipe in her vagina?</p> <p>6 <b>A I'm sure it was just a conversation at</b></p> <p>7 <b>work.</b></p> <p>8 Q Were you at the scene where a victim was</p> <p>9 discovered about with a pipe in her vagina?</p> <p>10 <b>A No, I was not at the scene. No, sir.</b></p> <p>11 Q Had you recovered decomposing bodies</p> <p>12 before -- or strike that.</p> <p>13 In your career as a Chicago police</p> <p>14 detective, have you been at the scene where a</p> <p>15 decomposing body was found?</p> <p>16 <b>A Yes.</b></p> <p>17 Q How many times has that happened?</p> <p>18 <b>A I can't tell you. I don't know. More</b></p> <p>19 <b>than ten, I would imagine.</b></p> <p>20 Q Did you recover any -- were you at the</p> <p>21 scene of any decomposing bodies on Garfield</p> <p>22 Boulevard?</p> <p>23 <b>A Ever?</b></p> <p>24 Q Yes.</p>	<p style="text-align: right;">92</p> <p>1 time that you were asked to speak to Nevest</p> <p>2 Coleman; is that right?</p> <p>3 <b>A Correct.</b></p> <p>4 Q And do you have any recollection of anyone</p> <p>5 asking you to speak to Nevest Coleman?</p> <p>6 <b>A Not specifically, no.</b></p> <p>7 Q Do you know if it was a supervisor or a</p> <p>8 fellow detective who asked you to speak to Nevest</p> <p>9 Coleman?</p> <p>10 <b>A No, I don't recall.</b></p> <p>11 Q Did you -- how late did you work that</p> <p>12 evening?</p> <p>13 <b>A I don't think I worked overtime. I think</b></p> <p>14 <b>just a normal tour of duty.</b></p> <p>15 Q Why do you -- why do you not think you</p> <p>16 worked overtime that day?</p> <p>17 <b>A I just don't think I did.</b></p> <p>18 Q When you filled out supp reports as a</p> <p>19 detective in around 1994, how would you determine</p> <p>20 which detectives to include as assigned detectives</p> <p>21 to the case?</p> <p>22 <b>A We always -- whoever either had the</b></p> <p>23 <b>initial assignment, they were referred to as the</b></p> <p>24 <b>paper car and anyone else who came out to lend a</b></p>

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Transcript of Thomas Kelly  
Conducted on July 14, 2020

24 (93 to 96)

<p style="text-align: right;">93</p> <p>1 <b>hand.</b></p> <p>2 Q And what does coming out to lend a hand</p> <p>3 mean? Like interviewing witnesses, for example?</p> <p>4 <b>A Yes.</b></p> <p>5 Q So in 1994 would you have included</p> <p>6 yourself in a supp report as an assigned detective</p> <p>7 because you interviewed Nevest Coleman?</p> <p>8 <b>A If I was doing the supp</b></p> <p>9 <b>Q Yeah.</b></p> <p>10 <b>A Yes, I would.</b></p> <p>11 Q Any reason to leave you off the supp</p> <p>12 report?</p> <p>13 <b>A Would I leave my own self off of a supp</b></p> <p>14 <b>report after I --</b></p> <p>15 Q Well, let's put it differently. That's a</p> <p>16 poorly worded question, and you were right to</p> <p>17 point it out to me. I appreciate that.</p> <p>18 Do you know why you're not mentioned in</p> <p>19 Foley and Clancy's supp report regarding the</p> <p>20 investigation that led to the arrest and</p> <p>21 prosecution of Nevest Coleman?</p> <p>22 MR. GRILL: Objection; form, foundation.</p> <p>23 BY THE WITNESS:</p> <p>24 <b>A No, I don't.</b></p>	<p style="text-align: right;">95</p> <p>1 BY THE WITNESS:</p> <p>2 <b>A In the body of the arrest report.</b></p> <p>3 <b>BY MR. AINSWORTH:</b></p> <p>4 Q Okay. And did you want the arresting</p> <p>5 officers to get credit for the arrest even though</p> <p>6 they weren't present for the arrest?</p> <p>7 MR. GRILL: Objection; form.</p> <p>8 BY THE WITNESS:</p> <p>9 <b>A They would certainly get credit, yes.</b></p> <p>10 <b>BY MR. AINSWORTH:</b></p> <p>11 Q And that was one of the ways to measure</p> <p>12 the productivity of a police officer was to show</p> <p>13 how many arrests were made, right?</p> <p>14 <b>A I have no idea.</b></p> <p>15 MS. MEADOR: Objection; foundation.</p> <p>16 BY MR. AINSWORTH:</p> <p>17 Q Why did you want officers who weren't</p> <p>18 present for an arrest to get credit?</p> <p>19 MR. GRILL: Objection; form.</p> <p>20 BY THE WITNESS:</p> <p>21 <b>A To show that they had participated in the</b></p> <p>22 <b>investigation.</b></p> <p>23 <b>BY MR. AINSWORTH:</b></p> <p>24 Q Why did you want to show that they</p>
<p style="text-align: right;">94</p> <p>1 <b>BY MR. AINSWORTH:</b></p> <p>2 Q When you were a detective back in 1994,</p> <p>3 would you sometimes fill out arrest reports?</p> <p>4 <b>A Yes, sir.</b></p> <p>5 Q And how would you determine which officers</p> <p>6 to include as arresting officers on an arrest</p> <p>7 report?</p> <p>8 <b>A Any officers who were physically present I</b></p> <p>9 <b>would put down on the arrest report and possibly</b></p> <p>10 <b>officers who would -- assisted in various portions</b></p> <p>11 <b>of the investigation I might put down on the</b></p> <p>12 <b>arrest report as assisting.</b></p> <p>13 Q Why would you include officers who weren't</p> <p>14 present for the arrest of an individual as</p> <p>15 assisting arresting officers?</p> <p>16 <b>A Why not? It would be in the body of the</b></p> <p>17 <b>arrest report.</b></p> <p>18 Q It would -- but you would note it on the</p> <p>19 arrest report, right?</p> <p>20 <b>A I would put assisting officers, yes, in</b></p> <p>21 <b>the --</b></p> <p>22 Q Did you --</p> <p>23 <b>A -- body...</b></p> <p>24 (Reporter clarification.)</p>	<p style="text-align: right;">96</p> <p>1 participated in the investigation?</p> <p>2 <b>A To thank them for their help.</b></p> <p>3 Q So that was your way of thanking them, by</p> <p>4 including them on the arrest report; is that -- is</p> <p>5 that fair to say?</p> <p>6 <b>A It's fair to say, if they participated in</b></p> <p>7 <b>the investigation.</b></p> <p>8 Q Right. And that you included them, their</p> <p>9 name, as an assisting arresting officer even if</p> <p>10 they weren't present as a way of thanking them; is</p> <p>11 that what you're saying?</p> <p>12 <b>A Yes.</b></p> <p>13 Q Were you trained to thank officers by</p> <p>14 including on an arrest report, signed under</p> <p>15 penalty of perjury, that they were the assisting</p> <p>16 arresting officers even though they weren't</p> <p>17 present for the arrest?</p> <p>18 MS. MEADOR: Objection; form.</p> <p>19 MR. GRILL: Join.</p> <p>20 BY MR. AINSWORTH:</p> <p>21 Q Or is that something that you would just</p> <p>22 do?</p> <p>23 <b>A Something I would do.</b></p> <p>24 Q Do you know other police officers to do</p>



Transcript of Thomas Kelly  
Conducted on July 14, 2020

25 (97 to 100)

<p>97</p> <p>1 that, to do the same thing, where they would</p> <p>2 include officers who weren't present for the</p> <p>3 arrest on an arrest report as a means of thanking</p> <p>4 those officers?</p> <p>5 <b>A I have no idea, sir.</b></p> <p>6 Q Have you heard of that before, where</p> <p>7 people would include officers who weren't present</p> <p>8 for the physical arrest of a suspect as assisting</p> <p>9 arresting officers on the arrest report?</p> <p>10 <b>A I don't know.</b></p> <p>11 Q Did your partner ever do that, either</p> <p>12 Paladino or Riley?</p> <p>13 <b>A I don't know.</b></p> <p>14 Q Or Jim Ward?</p> <p>15 <b>A I don't know.</b></p> <p>16 Q Well, when you're -- sometimes you would</p> <p>17 fill out the arrest reports, right?</p> <p>18 <b>A Yes, sir.</b></p> <p>19 Q And sometimes your partner would fill out</p> <p>20 the arrest report, correct?</p> <p>21 <b>A Yes, sir.</b></p> <p>22 Q And you would ensure that the arrest</p> <p>23 report was accurate before you signed it, correct?</p> <p>24 <b>A Yes.</b></p>	<p>99</p> <p>1 through RFC132.</p> <p>2 MR. GRILL: Hey, Russell?</p> <p>3 MR. AINSWORTH: Yes, sir.</p> <p>4 MR. GRILL: Would this be an all right</p> <p>5 time to take a -- I need a bathroom break if we</p> <p>6 could. Would this be an appropriate time? If</p> <p>7 you've got some more questions that you can flip</p> <p>8 through quickly, I can hold it, but --</p> <p>9 MR. AINSWORTH: Sure. And then -- and</p> <p>10 then we'll break.</p> <p>11 BY MR. AINSWORTH:</p> <p>12 Q I just wanted to ask you, sir, have you</p> <p>13 seen this document before, Exhibit No. 3?</p> <p>14 <b>A Yes, sir.</b></p> <p>15 Q All right. When have you seen this</p> <p>16 document?</p> <p>17 <b>A On the 28th of April, 1994.</b></p> <p>18 Q Okay. Have you seen it since then?</p> <p>19 <b>A Now I -- no, not until now.</b></p> <p>20 Q Okay. Is that your writing on the -- on</p> <p>21 Page 1 of Exhibit No. 3?</p> <p>22 <b>A Yes, sir.</b></p> <p>23 Q All right. And that's your name,</p> <p>24 Detective T. Kelly?</p>
<p>98</p> <p>1 Q And so in all the years that you were a</p> <p>2 detective for 22 years, did one of your partners</p> <p>3 include on an arrest report the presence of</p> <p>4 officers who weren't physically present for arrest</p> <p>5 but include them as assisting arresting officers</p> <p>6 on the arrest report?</p> <p>7 <b>A I don't know.</b></p> <p>8 Q You didn't -- you're -- you were reviewing</p> <p>9 it for accuracy, as you said, right, but you</p> <p>10 weren't paying attention to whether --</p> <p>11 (Reporter clarification.)</p> <p>12 BY MR. AINSWORTH:</p> <p>13 Q And so even though you were reviewing the</p> <p>14 arrest -- arrest reports for accuracy, you weren't</p> <p>15 looking to see if the officers named as assisting</p> <p>16 arresting officers were present at the scene or</p> <p>17 not; is that right?</p> <p>18 <b>A That's correct.</b></p> <p>19 Q Let me -- I'm going to show you what we'll</p> <p>20 mark as Exhibit No. 3.</p> <p>21 (Kelly Exhibit No. 3 was marked for</p> <p>22 identification.)</p> <p>23 MR. AINSWORTH: And this is a -- all</p> <p>24 right. This document is Bates numbered RFC129</p>	<p>100</p> <p>1 <b>A Yes, sir.</b></p> <p>2 Q All right. Do you know why you filled out</p> <p>3 this request for identification records?</p> <p>4 <b>A It was a request for a criminal history of</b></p> <p>5 <b>Michael Barber.</b></p> <p>6 Q Do you know why you filled out this</p> <p>7 request for criminal history for Michael Barber?</p> <p>8 <b>A Not really. At this time, no, I don't.</b></p> <p>9 Q And did you get it -- is -- the signature</p> <p>10 of the sergeant, did you obtain that signature?</p> <p>11 <b>A Yes.</b></p> <p>12 Q And would that -- who signed that?</p> <p>13 <b>A Sergeant Ridges.</b></p> <p>14 Q Jack Ridges?</p> <p>15 <b>A Yes.</b></p> <p>16 Q All right. And then we have a few more of</p> <p>17 these. There's -- Page 2 is a request for Nevest</p> <p>18 Coleman's criminal history report; do you see</p> <p>19 that?</p> <p>20 <b>A Yes, sir.</b></p> <p>21 Q And that's your handwriting, as well; is</p> <p>22 that correct?</p> <p>23 <b>A Yes, sir.</b></p> <p>24 Q And then we've got a criminal history</p>



Transcript of Thomas Kelly  
Conducted on July 14, 2020

26 (101 to 104)

<p>101</p> <p>1 report request for Miguel Coleman; do you see 2 that?</p> <p>3 <b>A Yes, sir.</b></p> <p>4 Q That's your handwriting, as well?</p> <p>5 <b>A Yes, sir.</b></p> <p>6 Q And then a criminal history report request 7 for Louis Coleman, Jr.; do you see that?</p> <p>8 <b>A Yes, sir, I see it.</b></p> <p>9 Q All right. So --</p> <p>10 MR. AINSWORTH: All right. Why don't we 11 take a break, and then we'll continue on.</p> <p>12 (Short recess.)</p> <p>13 MR. AINSWORTH: Let's go back on the 14 record.</p> <p>15 BY MR. AINSWORTH:</p> <p>16 Q All right, sir. So when we broke, we were 17 talking about Exhibit No. 3, which was the request 18 for criminal histories for four different 19 individuals.</p> <p>20 Do you know why you were the particular 21 detective who requested those criminal histories?</p> <p>22 <b>A I had asked Mr. Coleman who he resided</b> 23 <b>with. He told me. And I wanted to see if any of</b> 24 <b>those persons had a criminal history.</b></p>	<p>103</p> <p>1 <b>A No.</b></p> <p>2 Q Do you have any recollection of the 3 circumstances surrounding you asking for those 4 criminal history reports?</p> <p>5 <b>A It was my practice to attempt to find if</b> 6 <b>any criminal histories existed.</b></p> <p>7 Q All right. I understand that it's your 8 practice, but do you have any specific 9 recollection of this -- these four requests for 10 criminal histories, the circumstances that led to 11 them?</p> <p>12 <b>A No.</b></p> <p>13 Q Do you know if you did it on your own or 14 somebody else asked you to request them?</p> <p>15 <b>A I don't specifically recall.</b></p> <p>16 Q Do you know what -- at what point during 17 your shift that you requested the criminal history 18 reports?</p> <p>19 <b>A No, I don't.</b></p> <p>20 MR. AINSWORTH: I'm going to -- let's mark 21 as Exhibit No. 4 the GPR that you created. I'm 22 going to share that with you.</p> <p>23 (Kelly Exhibit No. 4 was marked for 24 identification.)</p>
<p>102</p> <p>1 Q All right. Are you speculating about what 2 you did, or do you recall Mr. Coleman telling you 3 who he resided with and then you thinking, ooh, 4 I'd like to get -- find out what criminal records 5 those people have?</p> <p>6 <b>A I read the GPR, and I asked Mr. Coleman</b> 7 <b>who he resided with.</b></p> <p>8 Q And so just to be really clear, Mr. Kelly, 9 the -- what I'm getting is at do you have a 10 recollection of actually thinking, oh, that's 11 interesting what -- the information Nevest is 12 giving me, I'd like to know what their criminal 13 backgrounds are; or are you reading the GPR and 14 then speculating that at the time you asked for 15 the criminal history reports because Nevest gave 16 you that information?</p> <p>17 <b>A It's because I read the GPR.</b></p> <p>18 Q All right. So you're just -- you're 19 basing it on like filling in the gaps based on 20 your reading of the GPR now; is that right?</p> <p>21 <b>A I don't recall.</b></p> <p>22 Q And I guess that's my -- my question.</p> <p>23 Do you have any recollection of actually 24 requesting the criminal history reports?</p>	<p>104</p> <p>1 BY MR. AINSWORTH:</p> <p>2 Q All right. So, sir, do you see this 3 document, first off, it's dated April 28; do you 4 see that?</p> <p>5 <b>A Yes, sir.</b></p> <p>6 Q Or sorry. I highlighted the wrong thing. 7 Let me fix that.</p> <p>8 It's dated, third watch, April 28, 1994, 9 correct?</p> <p>10 <b>A Yes, sir.</b></p> <p>11 Q And third watch is the watch that you 12 would work that you called "afternoons"; is that 13 right?</p> <p>14 <b>A Yes, sir.</b></p> <p>15 Q And is it your handwriting that appears in 16 this GPR?</p> <p>17 <b>A Yes, sir.</b></p> <p>18 Q What is a GPR?</p> <p>19 <b>A General progress report.</b></p> <p>20 Q What's the purpose of a general progress 21 report?</p> <p>22 <b>A Note taking, basically.</b></p> <p>23 Q So when you spoke to Nevest Coleman, he 24 provided you with his name and his date of birth,</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

27 (105 to 108)

<p>105</p> <p>1 right?</p> <p>2 <b>A Yes.</b></p> <p>3 Q His address and his phone number, correct?</p> <p>4 <b>A Yes.</b></p> <p>5 Q His employer and told you how to contact</p> <p>6 him at Comiskey Park by asking for the ground</p> <p>7 crew; is that right?</p> <p>8 <b>A Yes, sir.</b></p> <p>9 Q And he provided you with the location of</p> <p>10 Comiskey Park, right?</p> <p>11 <b>A Yes, sir.</b></p> <p>12 Q And he gave you his social security</p> <p>13 number, right?</p> <p>14 <b>A Yes, sir.</b></p> <p>15 Q And then -- I just want to confirm that</p> <p>16 I'm able -- you have good handwriting, given all</p> <p>17 the different types of handwriting we see, but I</p> <p>18 just want to make sure that I'm reading this</p> <p>19 correctly. So I'm going to read it to you and ask</p> <p>20 you if I've -- if I've got it right.</p> <p>21 So the first line of the narrative portion</p> <p>22 reads: "We thought we smelled something several</p> <p>23 days ago"; is that correct?</p> <p>24 <b>A Yes, sir.</b></p>	<p>107</p> <p>1 Did I read that correctly?</p> <p>2 <b>A Yes, sir.</b></p> <p>3 Q And then it says: "On the second floor my</p> <p>4 sister, Jennice Coleman, and another brother,</p> <p>5 Louis Coleman, Jr., a/k/a Tony."</p> <p>6 Did I read that correctly?</p> <p>7 <b>A Yes, sir.</b></p> <p>8 Q And then your signature appears in the</p> <p>9 bottom left-hand corner; is that right?</p> <p>10 <b>A Yes, sir.</b></p> <p>11 Q Did Sergeant Benoit sign it in the</p> <p>12 supervisor box?</p> <p>13 <b>A Yes, sir.</b></p> <p>14 Q What did you do with this document, the</p> <p>15 GPR, after you created it?</p> <p>16 <b>A Gave it to the sergeant.</b></p> <p>17 Q All right. Which sergeant did you give it</p> <p>18 to?</p> <p>19 <b>A I don't recall.</b></p> <p>20 Q Why did you give it to the sergeant?</p> <p>21 <b>A So that he could give it to Foley and</b></p> <p>22 <b>Clancy.</b></p> <p>23 Q Why didn't you give it to Foley and</p> <p>24 Clancy?</p>
<p>106</p> <p>1 Q And then it reads: "On today's date my</p> <p>2 mother" -- what is that word?</p> <p>3 <b>A "Asked."</b></p> <p>4 Q "Asked me to check the basement to see if</p> <p>5 there was a dead cat or dog in the basement"; is</p> <p>6 that correct?</p> <p>7 <b>A Yes, sir.</b></p> <p>8 Q "Me and Mike tried to open the back door</p> <p>9 to the basement, and we couldn't push the door</p> <p>10 open, felt like there was something behind the</p> <p>11 door.</p> <p>12 "We went and got batteries for our</p> <p>13 flashlight, and Mike looked in the window and saw</p> <p>14 the body."</p> <p>15 Did I read that correctly?</p> <p>16 <b>A Yes, sir.</b></p> <p>17 Q "We went upstairs and told my mother. She</p> <p>18 called the police."</p> <p>19 Did I read that correctly?</p> <p>20 <b>A Yes, sir.</b></p> <p>21 Q And it says: "I live with my mother,</p> <p>22 Cecelia Coleman; father, Louis Coleman; brother,</p> <p>23 Miguel Coleman, 23 years on the first floor of 917</p> <p>24 West 55th Street."</p>	<p>108</p> <p>1 <b>A I don't believe they were in.</b></p> <p>2 Q Do you have any recollection about whether</p> <p>3 you gave it to the sergeant or you gave it to</p> <p>4 Foley or Clancy?</p> <p>5 <b>A No.</b></p> <p>6 Q So why did you say you believe you gave</p> <p>7 it -- you didn't believe Foley and Clancy were in?</p> <p>8 <b>A My standard procedure would be to give it</b></p> <p>9 <b>to the sergeant.</b></p> <p>10 Q Okay. Do you have any recollection, one</p> <p>11 way or the other, whether Foley or Clancy were</p> <p>12 there when you turned in this report?</p> <p>13 <b>A No.</b></p> <p>14 Q And so what was your belief that they</p> <p>15 weren't there at the station based on?</p> <p>16 <b>A I don't know.</b></p> <p>17 (Kelly Exhibit No. 5 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. AINSWORTH:</p> <p>20 Q All right. I'd like to -- I'm going to</p> <p>21 mark as Exhibit 5 the large exhibit that's Bates</p> <p>22 numbered RFC1 through 200. I'm going to share</p> <p>23 that with you.</p> <p>24 I'll represent to you this is the</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

28 (109 to 112)

<p style="text-align: right;">109</p> <p>1 investigative file, and I'm going to skip ahead to 2 144 -- RFC144. That's typewritten, so I don't 3 have to ask you about that one, but I do want to 4 ask you about some of these others. 5 Do you recognize the handwriting on this 6 GPR Bates numbered RFC151 from Exhibit 4 [sic]? 7 <b>A This Latoya Davis?</b> 8 Q Yes. 9 <b>A No, I don't.</b> 10 Q Do you know if it's Clancy's handwriting? 11 <b>A I don't know.</b> 12 Q All right. How about RFC152? Do you 13 recognize that handwriting? 14 <b>A No, I don't.</b> 15 Q All right. Let's go to -- all right. 16 17- -- RFC172. Do you recognize the handwriting 17 on this page? 18 <b>A No, I don't.</b> 19 Q Do you recognize it to be Bill Foley's? 20 <b>A No, I don't.</b> 21 Q All right. How about Page 1 -- RFC173? 22 <b>A No, I don't recognize the handwriting.</b> 23 Q Do you recognize the handwriting at 24 RFC174?</p>	<p style="text-align: right;">111</p> <p>1 Let's look -- 2 MR. GRILL: Objection. 3 BY MR. AINSWORTH: 4 Q -- at RFC182. 5 Do you recognize the handwriting on this 6 one? 7 <b>A No, I don't.</b> 8 Q Do you know whose signature that is down 9 in the bottom left corner on this one? 10 <b>A Can you make it bigger?</b> 11 Q Yes, I can. 12 <b>A I recognize the name "Golubiak."</b> 13 Q All right. Can you describe Golubiak's 14 appearance back in 1994? 15 <b>A Six-one, six-two, good shape. He was a</b> 16 <b>runner, kind of brownish hair.</b> 17 Q Did he have glasses? 18 <b>A I don't recall.</b> 19 Q Facial hair? 20 <b>A Not that I recall, but I'm not sure.</b> 21 Q What kind of build did he have? He was a 22 runner? 23 <b>A Lean build.</b> 24 Q So of all the detectives that you</p>
<p style="text-align: right;">110</p> <p>1 <b>A No, I don't.</b> 2 Q And same question for RFC175? 3 <b>A No, I don't.</b> 4 Q Do you recognize the handwriting on 5 RFC176? 6 <b>A No, I don't.</b> 7 Q Do you recognize the handwriting on 8 RFC177? 9 <b>A No, I don't.</b> 10 Q Do you recognize the handwriting on 11 RFC178? 12 <b>A No, I don't.</b> 13 Q Do you recognize the handwriting on 14 RFC179? 15 <b>A No, I don't.</b> 16 Q Do you recognize the handwriting on 17 RFC180? 18 <b>A No, I don't.</b> 19 Q Do you recognize -- oh, this is you, 20 right? 21 <b>A Yes, it is.</b> 22 Q All right. See how much neater your's 23 is -- neater yours is than the others? It's 24 pretty good. All right.</p>	<p style="text-align: right;">112</p> <p>1 described to me the tallest one was O'Brien; is 2 that fair to say? He was the only one who was 3 six-three or higher? Six-three? Six-four, right? 4 <b>A Yes, sir.</b> 5 Q All right. So then I'm showing you -- 6 let's do a -- 183. 7 Is that -- do you recognize that 8 handwriting on 183? 9 <b>A No, sir, I don't.</b> 10 Q Do you know whose signature that is on -- 11 on this page in the bottom left-hand corner? 12 <b>A If you can enlarge it, I might be able to</b> 13 <b>tell.</b> 14 (Brief pause.) 15 BY THE WITNESS: 16 <b>A Harrison.</b> 17 BY MR. AINSWORTH: 18 Q What was Harrison's first name? 19 <b>A Patricia.</b> 20 Q All right. 184, do you recognize that 21 handwriting? 22 <b>A No, I don't.</b> 23 Q Do you recognize it to be Graf's 24 handwriting?</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

29 (113 to 116)

<p>113</p> <p>1 <b>A You're going to have to do -- go down</b>  2 <b>again.</b>  3 Q You mean to look at the signature? I'm  4 just --  5 (Simultaneous crosstalk.)  6 BY MR. AINSWORTH:  7 Q -- talking about the handwriting.  8 <b>A No, I don't recognize the handwriting.</b>  9 Q Do you recognize the handwriting on 185?  10 <b>A No, I don't.</b>  11 Q Do you recognize the handwriting on 186?  12 <b>A No, I don't.</b>  13 Q Do you recognize the handwriting on 187?  14 <b>A No, I don't.</b>  15 Q Do you recognize the handwriting on 188?  16 <b>A No, I don't.</b>  17 Q Do you recognize the handwriting on 189?  18 <b>A No, I don't.</b>  19 Q Do you recognize the handwriting on 190?  20 <b>A No, I don't.</b>  21 Q Do you recognize the handwriting on 191?  22 <b>A No, I don't.</b>  23 Q Do you recognize the handwriting on 192?  24 <b>A No, I don't.</b></p>	<p>115</p> <p>1 MR. AINSWORTH: Excuse me.  2 MR. GRILL: Yeah, you were just -- I was  3 just going to help you clarify that it's excerpts  4 from RFC1 through 200, right?  5 MR. AINSWORTH: That's correct, which  6 we've marked as Exhibit No. 5. Okay.  7 (Kelly Exhibit No. 6 was marked for  8 identification.)  9 BY MR. AINSWORTH:  10 Q Now I'd like to show you what we've  11 marked -- what we'll mark as Exhibit No. 6. So  12 I'll share it with you, and then I'll read the  13 Bates numbers for everybody playing along at home.  14 This is -- the document is labeled "Supp  15 Report," and then RFC80 to 96.  16 Sir, have you reviewed this document,  17 the -- the scene supp and CLEAR supp for Nevest  18 Coleman and Derrell Fulton?  19 <b>A No, sir.</b>  20 Q All right. I'm going to just show you  21 portions of the narrative section of this report,  22 although you're entitled and welcome to read as  23 much of this report as you'd like, to see if it  24 refreshes your recollections of any of the events</p>
<p>114</p> <p>1 Q And do you recognize the handwriting on  2 193?  3 <b>A No, I don't.</b>  4 Q Do you recognize the handwriting on 195?  5 <b>A No, I don't.</b>  6 Q And I think that's it. All right.  7 Prior to today had you heard -- had you  8 seen any of the exhibits -- or any of those GPRs  9 that we just showed you apart from the one with  10 your handwriting on it?  11 <b>A No, sir.</b>  12 Q I'm going to --  13 MR. AINSWORTH: That was Exhibit 5,  14 correct, Counsel?  15 MR. GRILL: You're asking me?  16 MR. AINSWORTH: Yeah, anyone.  17 MR. ADELMAN: Yes.  18 MR. AINSWORTH: Yes.  19 BY MR. AINSWORTH:  20 Q I mistakenly referred to it as Exhibit 4  21 when I was going through at one point. I just  22 want it to be clear that I was showing the witness  23 Exhibit No. 5.  24 MR. GRILL: That --</p>	<p>116</p> <p>1 described within this report. Okay?  2 <b>A Yes.</b>  3 Q Is that all right with you?  4 <b>A Sure.</b>  5 Q I'm going to show you on Page RFC82 of the  6 document it lists some of the arresting officers  7 there, and then it scrolls down to the next page  8 and lists additional arresting officers and shows  9 the time, date, and location of arrest for Coleman  10 and Fulton.  11 It shows the charges for Coleman and  12 Fulton. It describes the injuries to Coleman and  13 Fulton -- sorry, injuries to the victim. My  14 apologies.  15 MS. MEADOR: I had just taken my mute off,  16 Russell.  17 MR. AINSWORTH: I -- I feel your pain.  18 BY MR. AINSWORTH:  19 Q All right. And then I'm going to scroll  20 down to the narrative section, unless you'd like  21 to look at other portions of the preliminary part  22 of this report.  23 <b>A No. Go right ahead.</b>  24 Q All right. So you're listed as a -- as a</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

30 (117 to 120)

<p>117</p> <p>1 personnel assigned to the -- to the case. Do you 2 see that on Page 84 of Exhibit No. 6? 3 <b>A Yes.</b> 4 Q All right. Is this large enough for you 5 to read, sir? 6 <b>A Yes, sir, it is.</b> 7 Q All right. Would you kindly read through 8 this narrative portion of this report and tell me 9 if it refreshes your recollection as to any of the 10 events that are described either here or events 11 that we've talked about previously in this 12 deposition, such as the GPR that's -- the 13 interview you had with Nevest Coleman? And just 14 let me know when you're done with the paragraph, 15 and then I'll move it down. 16 (Brief pause.) 17 THE WITNESS: You could move it down. 18 MR. AINSWORTH: And take your time. 19 Nobody is going to judge you on your speed of 20 reading. 21 (Witness peruses document.) 22 BY THE WITNESS: 23 <b>A You can go on, sir, please. You can go</b> 24 <b>down.</b></p>	<p>119</p> <p>1 <b>A You can go a little further. That's fine.</b> 2 (Witness peruses document.) 3 BY THE WITNESS: 4 <b>A Okay.</b> 5 <b>BY MR. AINSWORTH:</b> 6 Q All right. So I've asked you to read from 7 pages -- page -- the narrative portion's report, 8 which spanned Pages 7 through 16 of this report. 9 And you've had an opportunity to read 10 that; is that correct? 11 <b>A Yes, sir.</b> 12 Q Did reading those -- reading those 13 portions of this report that you did, did that 14 refresh your recollection at all of anything about 15 the Antwinica Bridgeman investigation? 16 <b>A No.</b> 17 Q Did it refresh your recollection at all of 18 your conversation with Nevest Coleman? 19 <b>A No.</b> 20 Q Did it refresh your recollection of 21 ordering the criminal history reports that you 22 ordered? 23 <b>A No.</b> 24 Q Did it refresh your recollection as to any</p>
<p>118</p> <p>1 <b>If you can go down, sir -- oh, wait. Go</b> 2 <b>ahead, sir. Go ahead. You can go down, sir. You</b> 3 <b>can go down, sir.</b> 4 <b>BY MR. AINSWORTH:</b> 5 Q Is that good? 6 <b>A Yeah. That's fine. Thank you.</b> 7 (Witness peruses document.) 8 BY THE WITNESS: 9 <b>A You can go down. You can go down, sir.</b> 10 <b>You can go down, sir. You can go down.</b> 11 <b>BY MR. AINSWORTH:</b> 12 Q To the next paragraph? 13 <b>A Yeah, I'm done. You can go to 11, Page 11</b> 14 <b>I believe it is.</b> 15 (Witness peruses document.) 16 BY THE WITNESS: 17 <b>A You can go down, sir. You can go down,</b> 18 <b>sir. You can go down. Go down, sir. You can go</b> 19 <b>down. You can go down. You can go down, sir.</b> 20 <b>You can go down. You can go down. You can go</b> 21 <b>down, sir. You can go down. You can go down.</b> 22 <b>Go down, sir. Last page.</b> 23 <b>BY MR. AINSWORTH:</b> 24 Q Last page?</p>	<p>120</p> <p>1 of the questions that I've asked you thus far that 2 you did not recall was your answer? 3 <b>A No, sir.</b> 4 Q Now, you spent 22 years in homi- -- in 5 violent crimes, correct? 6 <b>A Yes, sir.</b> 7 Q All right. I want to ask you about on -- 8 on Page 12 do you see where Nevest Coleman has 9 been questioned by the police and says that he saw 10 the victim and Chip and Dap talking to the victim 11 in the alley behind his house. He went on to say 12 he saw the victim and Chip and Dap go into his 13 basement. 14 He stated that after a short time he went 15 to the basement door and observed the victim 16 orally copulating Chip, and she was also engaged 17 with Dap in anal intercourse. 18 He then went on to say that he became 19 frightened and ran his into apartment one floor 20 above the crime scene where he remained for the 21 rest of the night. 22 Do you see that, sir? 23 <b>A Yes, I see it.</b> 24 Q Okay. And then in the -- further down in</p>

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Transcript of Thomas Kelly  
Conducted on July 14, 2020

31 (121 to 124)

<p>121</p> <p>1 the report it says that Coleman then said he 2 wanted to tell the entire truth. 3 And then he says that the version he just 4 provided about seeing Dap and Chip with the victim 5 and him running away wasn't true? 6 And then he goes on to detail his -- his 7 confession to the murder in the following 8 paragraphs of this report; is that a fair summary? 9 <b>A Yes, sir.</b> 10 Q All right. But before he tells the truth, 11 according to the report, he, Nevest Coleman, 12 provides a story where he sees Chip and Dap with 13 the victim in the alley behind his house. 14 He looks -- he -- from the basement door, 15 in April, he observes the victim orally copulating 16 Chip and engaging in sex with Dap and that he 17 becomes frightened and runs away. Okay. 18 I'm just laying that as foundation because 19 I want to then ask you about at the bottom of 20 Page 14 of this report, the report reads that, 21 according to Derrell Fulton, he observed Chip and 22 Nevest and the victim go into the basement and 23 that he went down into the basement and while -- 24 or sorry. While he was standing in the basement</p>	<p>123</p> <p>1 anal sex with -- with her and then becomes scared, 2 runs from the doorway, and runs home. 3 Would you, as an experienced detective, 4 want to know why both Derrell Fulton and Nevest 5 Coleman are telling the same lie during the course 6 of their interrogation? 7 MR. GRILL: Objection; form, foundation, 8 incomplete hypothetical, and calls for 9 speculation. 10 MR. ADELMAN: Join. 11 MS. MEADOR: Join. 12 BY MR. AINSWORTH: 13 Q You can answer, sir. 14 <b>A Sir, I have no idea of any of the</b> 15 <b>investigation.</b> 16 Q I understand that, sir. That's why I'm 17 coming to you kind of as, you know, somebody who 18 brings 22 years of homicide investigation 19 experience plus another 18 years of policing to 20 bear on this question. 21 And so, based on your experience, as an 22 experienced Chicago police detective, wouldn't you 23 want to know why both Nevest Coleman and Derrell 24 Fulton are telling very similar lies during the</p>
<p>122</p> <p>1 doorway, he observed the victim orally copulating 2 Chip, and Nevest Coleman was having vaginal 3 intercourse with the victim. 4 He then went on to say that Chip and 5 Nevest Coleman turned towards Fulton and saw that 6 Fulton was standing in the doorway. Fulton went 7 on to say that he then panicked and ran away from 8 the scene and went home. 9 And then, on the following page, it then 10 says that -- Fulton then says, well, that's not 11 what happened. And then he goes on to provide 12 his -- he then provides his confession of what 13 actually happened according to the report; is that 14 a fair statement? 15 <b>A Yes.</b> 16 Q So as an experienced homicide detective, 17 sir, would you be curious to know why both Nevest 18 Coleman and Darrell Fulton are saying -- are 19 providing a story to the police in which each of 20 them stands in the basement -- in the door to the 21 basement and sees the other, along with a third 22 individual, having sex with the victim in a very 23 similar way, where the victim is orally copulating 24 one man, while the other has either vaginal or</p>	<p>124</p> <p>1 course of their separate interrogations? 2 MR. GRILL: Same objection; incomplete 3 hypothetical, calls for speculation, form, 4 foundation. 5 MS. MEADOR: Join. 6 MR. ADELMAN: Join. 7 BY THE WITNESS: 8 <b>A Sir, that's hypothetical, and I'm not</b> 9 <b>going to speculate.</b> 10 <b>BY MR. AINSWORTH:</b> 11 Q Oh, I'm not asking you to speculate, sir. 12 I'm asking what you would do, based on your 13 training and experience, okay? And I'm asking 14 you, based on your training and experience, if you 15 received the information documented in Exhibit 16 No. 6 that I've just pointed to you, would you 17 follow up with the suspects and ask them why they 18 were providing those particular lies? 19 MR. GRILL: Same objection; still calls 20 for speculation. It's an incomplete hypothetical, 21 form, and foundation. 22 MR. ADELMAN: Join. 23 MS. MEADOR: Join. 24</p>



Transcript of Thomas Kelly  
Conducted on July 14, 2020

32 (125 to 128)

<p>125</p> <p>1 BY THE WITNESS:</p> <p>2 <b>A Sir, I could give you the same answer if</b></p> <p>3 <b>you want me to repeat it.</b></p> <p>4 <b>BY MR. AINSWORTH:</b></p> <p>5 Q No. What I'm looking for, sir, is -- is</p> <p>6 what you would do as an experienced police</p> <p>7 detective?</p> <p>8 MR. GRILL: Still calls for speculation,</p> <p>9 and it's an incomplete hypothetical, form, and</p> <p>10 foundation.</p> <p>11 MR. AINSWORTH: And there's --</p> <p>12 MS. MEADOR: Join.</p> <p>13 MR. ADELMAN: Join.</p> <p>14 MR. AINSWORTH: There's nothing improper</p> <p>15 by asking the question during discovery.</p> <p>16 MR. GRILL: I'm not saying there's</p> <p>17 anything improper -- well, I'm -- let me take that</p> <p>18 back.</p> <p>19 I'm not saying you can't ask the question.</p> <p>20 I'm saying that your question is -- calls him,</p> <p>21 regardless, to speculate, and it's an incomplete</p> <p>22 hypothetical. You know he wasn't -- well, I won't</p> <p>23 speak. That's my objection. You can keep going</p> <p>24 around.</p>	<p>127</p> <p>1 objection.</p> <p>2 MR. ADELMAN: And I'll join that as well.</p> <p>3 BY MR. AINSWORTH:</p> <p>4 Q Can you answer the question, sir?</p> <p>5 MR. GRILL: Do you remember the question?</p> <p>6 BY THE WITNESS:</p> <p>7 <b>A I don't remember the question, sir.</b></p> <p>8 <b>BY MR. AINSWORTH:</b></p> <p>9 Q All right. So my question was that</p> <p>10 when -- earlier in this deposition you told me</p> <p>11 that you were on the second floor talking to</p> <p>12 Nevest Coleman in the open area of 51st and</p> <p>13 Wentworth when you had no recollection of actually</p> <p>14 speaking to Nevest Coleman, right?</p> <p>15 MR. GRILL: Objection; mischaracterizes</p> <p>16 his testimony.</p> <p>17 MS. MEADOR: Join.</p> <p>18 BY MR. AINSWORTH:</p> <p>19 Q Can you answer the question, sir?</p> <p>20 <b>A Did I tell you that before? Yes, I did.</b></p> <p>21 Q All right. And so I'm simply asking what</p> <p>22 was your practice, sir, if witnesses told you --</p> <p>23 or strike that.</p> <p>24 If two suspects in a criminal</p>
<p>126</p> <p>1 BY MR. AINSWORTH:</p> <p>2 Q You can answer it, sir.</p> <p>3 <b>A Sir, it's a hypothetical situation, and I</b></p> <p>4 <b>do not want to speculate on it.</b></p> <p>5 Q Why, sir? Why?</p> <p>6 <b>A Because I don't speculate, sir.</b></p> <p>7 Q Well, sir, earlier today you told me,</p> <p>8 under oath, in response to one of my questions,</p> <p>9 that you talked to Nevest Coleman in the open area</p> <p>10 on the second floor of 51st and Wentworth. Do you</p> <p>11 recall the answer to that question?</p> <p>12 <b>A Yes, I do.</b></p> <p>13 Q All right. Not having any recollection of</p> <p>14 meeting Nevest Coleman or knowing where he was,</p> <p>15 you speculated, based on the contents of your GPR,</p> <p>16 that you spoke to him in the open area on the</p> <p>17 second floor of 51st and Wentworth, correct?</p> <p>18 MR. GRILL: Object --</p> <p>19 MS. MEADOR: Objection; mischaracterizes</p> <p>20 the witness's testimony.</p> <p>21 MR. ADELMAN: Join --</p> <p>22 MR. GRILL: Go ahead.</p> <p>23 (Reporter clarification.)</p> <p>24 MR. GRILL: I'm just going to join that</p>	<p>128</p> <p>1 investigation told you inconsistent versions of</p> <p>2 events, would you follow up with each to find out</p> <p>3 which one was true and which one was false or if</p> <p>4 both were false?</p> <p>5 <b>A Again, sir, it's a hypothetical.</b></p> <p>6 Q And so what?</p> <p>7 MR. GRILL: Objection; form.</p> <p>8 BY MR. AINSWORTH:</p> <p>9 Q What would you do, as a -- as a 22-year</p> <p>10 experienced violent crimes detective?</p> <p>11 <b>A Sir, it's a hypothetical, and I don't care</b></p> <p>12 <b>to speculate on it.</b></p> <p>13 Q Well, why not, sir?</p> <p>14 MR. GRILL: Objection; argumentative.</p> <p>15 MR. ADELMAN: Join.</p> <p>16 BY MR. AINSWORTH:</p> <p>17 Q Why don't you care to speculate?</p> <p>18 <b>A I don't like to --</b></p> <p>19 MR. GRILL: Same objection --</p> <p>20 MS. MEADOR: I'm going to --</p> <p>21 MR. GRILL: -- argumentative. Go ahead.</p> <p>22 MS. MEADOR: I'm just going to object that</p> <p>23 he answered your question, Russell.</p> <p>24 MR. AINSWORTH: Do not -- do not make</p>

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Transcript of Thomas Kelly  
Conducted on July 14, 2020

33 (129 to 132)

129	<p>1 those objections, Lisa. Thank you very much.</p> <p>2 BY MR. AINSWORTH:</p> <p>3 Q What --</p> <p>4 MS. MEADOR: My objection is asked and</p> <p>5 answered. It's a proper objection, Russell. You</p> <p>6 just don't like his answer.</p> <p>7 MR. AINSWORTH: No.</p> <p>8 BY MR. AINSWORTH:</p> <p>9 Q Why don't you like to speculate,</p> <p>10 Mr. Kelly?</p> <p>11 MS. MEADOR: Asked and answered.</p> <p>12 MR. GRILL: Join.</p> <p>13 BY MR. AINSWORTH:</p> <p>14 Q You can answer, sir.</p> <p>15 MR. GRILL: What's the question?</p> <p>16 BY MR. AINSWORTH:</p> <p>17 Q Why don't you like to speculate, sir?</p> <p>18 MS. MEADOR: Same objection.</p> <p>19 MR. GRILL: Oh, well, that's -- that's</p> <p>20 asked and answered -- form. It's asked and</p> <p>21 answered, Russell. He's -- he's told you why.</p> <p>22 MR. AINSWORTH: Do not -- no speaking</p> <p>23 objections. Thank you.</p> <p>24 MR. GRILL: I didn't say anything. I'm</p>	131	<p>1 know exactly what answers have been provided and</p> <p>2 what questions have been asked. And I know</p> <p>3 there's no answer to this question, so --</p> <p>4 MS. MEADOR: He -- he just answered you.</p> <p>5 Miss Court Reporter, can you please read</p> <p>6 back the witness's last answer.</p> <p>7 MR. AINSWORTH: Yes, let's.</p> <p>8 MR. GRILL: Question and answer, actually.</p> <p>9 (Record read as requested.)</p> <p>10 MR. AINSWORTH: Right, in response to my</p> <p>11 question: Why don't you want to speculate?</p> <p>12 BY MR. AINSWORTH:</p> <p>13 Q So the question, sir, is why don't you</p> <p>14 want to speculate?</p> <p>15 MR. GRILL: Asked and answered.</p> <p>16 MS. MEADOR: Join.</p> <p>17 BY THE WITNESS:</p> <p><b>18 A It's a hypothetical situation, sir, and I</b></p> <p><b>19 don't care to speculate on a hypothetical</b></p> <p><b>20 situation.</b></p> <p><b>21 BY MR. AINSWORTH:</b></p> <p>22 Q Why don't you care to speculate?</p> <p>23 MR. GRILL: Asked and answered. That's</p> <p>24 literally the exact same question.</p>
130	<p>1 just saying he told you why. I'm not repeating</p> <p>2 what he said.</p> <p>3 MR. AINSWORTH: Mr. Grill.</p> <p>4 BY MR. AINSWORTH:</p> <p>5 Q What's the answer, sir?</p> <p><b>6 A Are you speaking to me or Mr. Grill, sir?</b></p> <p>7 Q To you, sir. To Mr. Kelly.</p> <p>8 MR. GRILL: Same objection.</p> <p>9 BY THE WITNESS:</p> <p><b>10 A It's a hypothetical, and I don't care to</b></p> <p><b>11 speculate on hypotheticals.</b></p> <p><b>12 BY MR. AINSWORTH:</b></p> <p>13 Q No, my question is: Why don't you care to</p> <p>14 speculate?</p> <p>15 MR. GRILL: Asked and answered.</p> <p>16 MS. MEADOR: Objection; asked and</p> <p>17 answered. He just answered you. Stop --</p> <p>18 MR. AINSWORTH: No, he --</p> <p>19 MS. MEADOR: -- move on.</p> <p>20 MR. AINSWORTH: Do not take that tone with</p> <p>21 me, Miss Meador --</p> <p>22 MS. MEADOR: Move on.</p> <p>23 MR. AINSWORTH: -- I mean -- that's</p> <p>24 totally inappropriate, and I have a record. I</p>	132	<p>1 MR. AINSWORTH: I know --</p> <p>2 MS. MEADOR: Join.</p> <p>3 MR. AINSWORTH: -- I'm not getting a</p> <p>4 responsive answer --</p> <p>5 MR. GRILL: He's told you --</p> <p>6 MR. AINSWORTH: -- and I have a record.</p> <p>7 MR. GRILL: He's told you because he -- he</p> <p>8 says he doesn't want to speculate because it's a</p> <p>9 hypothetical.</p> <p>10 BY MR. AINSWORTH:</p> <p>11 Q Why does --</p> <p>12 MR. GRILL: He said it like three times</p> <p>13 now.</p> <p>14 MR. CURRAN: If I could interject, I'm</p> <p>15 pretty sure the -- the rules require a deponent to</p> <p>16 not be evasive in their answers, and I don't</p> <p>17 believe the deponent has substantively answered</p> <p>18 the question.</p> <p>19 We could -- if you prefer, we could</p> <p>20 certify the question, file a motion, and come back</p> <p>21 and have the deponent answer it, or he could just</p> <p>22 answer the question.</p> <p>23 MR. GRILL: You can file a motion on it if</p> <p>24 you want. I think --</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

34 (133 to 136)

<p>133</p> <p>1 MR. CURRAN: So that would be your 2 preference, to come back? 3 MR. GRILL: No, it would not -- no, I'm 4 not at all agreeing that I'd bring him back, if -- 5 if that's the only question you're certifying, and 6 you really want to file a motion on that, I mean, 7 when he's answered it. I don't think that -- 8 MR. CURRAN: I disagree with the 9 premise -- 10 MR. GRILL: -- I think that the question, 11 frankly, is -- it calls for speculation. It's not 12 a proper question. Now he's answered it three, 13 four times. 14 MR. CURRAN: You don't think spec- -- a 15 question which asks for speculation is proper in a 16 deposition? 17 MR. GRILL: I'm saying that -- I think 18 that it -- it creates an admissibility issue when 19 you're asking him to speculate. I don't think 20 that his answer is improper. I don't think it's 21 evasive. I think he's answered it. 22 And I think the reality here is that 23 Russell and, I guess, you as well, Nick, just 24 don't like the answer.</p>	<p>135</p> <p>1 MR. CURRAN: So my point is this is just 2 really superfluous. Nobody has threatened the 3 character of the deponent. That's absurd. 4 The issue here is a proper question has 5 been asked, and no substantive answer has been 6 given -- 7 MR. GRILL: But -- 8 MR. CURRAN: -- that's my position, at 9 least. 10 MR. GRILL: -- the -- guys, the point of a 11 deposition here -- and I think everybody would 12 agree with this -- is to ask questions and then 13 have the witness give truthful answers. Asking 14 somebody to speculate doesn't -- 15 MR. AINSWORTH: Mr. Grill -- 16 MR. GRILL: -- satisfy that. 17 MR. AINSWORTH: Mr. Grill, I -- what are 18 you doing? What are you -- like, what are you 19 doing? 20 MR. GRILL: What are you doing? 21 MR. AINSWORTH: Just knock it off. 22 MS. MEADOR: Knock what off? 23 MR. AINSWORTH: You can't do that. 24 MR. GRILL: Do what, Russell?</p>
<p>134</p> <p>1 MR. CURRAN: No, the -- the problem is 2 when the deponent does not actually answer the 3 question. 4 MS. MEADOR: Our position is he's answered 5 the question, and you can't require him to 6 speculate. He has said he's not going to 7 speculate because it's a hypothetical. That's his 8 answer. You can't require him to do so. Move on. 9 MR. AINSWORTH: We can ask him why. It's 10 a perfectly acceptable question. I don't know why 11 you're getting so upset. 12 MS. MEADOR: But he's already answered it. 13 MR. AINSWORTH: He's clear he hasn't -- 14 (Simultaneous crosstalk. Zoom audio 15 malfunction.) 16 MS. MEADOR: You guys are the one like 17 starting to threaten the -- the witness's 18 character and filing motions. 19 MR. CURRAN: I -- 20 MR. AINSWORTH: Well, I -- 21 MR. CURRAN: I -- I think the record 22 will very clearly show we didn't threaten the 23 deponent -- 24 (Reporter clarification.)</p>	<p>136</p> <p>1 MR. AINSWORTH: You can't start coaching a 2 witness. You can't start telling, you know -- 3 MR. GRILL: Oh, so you guys -- 4 MR. AINSWORTH: It's a perfectly -- 5 MR. GRILL: -- are the only ones 6 allowed -- 7 MR. AINSWORTH: -- acceptable -- 8 (Simultaneous crosswalk. Reporter 9 clarification.) 10 MR. GRILL: Rules, apparently, only apply, 11 in Russell's point of view, to one side here, so 12 you guys can talk, but we're not allowed to say 13 anything back. My bad. 14 MR. AINSWORTH: Thank you. 15 BY MR. AINSWORTH: 16 Q All right. Mr. Kelly, why don't you want 17 to speculate? Why don't you want to answer a 18 hypothetical? 19 MR. GRILL: Same objections. 20 BY THE WITNESS: 21 <b>A Because I don't speculate on hypothetical</b> 22 <b>situations.</b> 23 <b>BY MR. AINSWORTH:</b> 24 Q Is that a personal preference? Is that</p>

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Transcript of Thomas Kelly  
Conducted on July 14, 2020

35 (137 to 140)

<p>137</p> <p>1 a -- something you were trained to do? Is that</p> <p>2 coming from a religious background? Why is it</p> <p>3 that you don't care to speculate?</p> <p>4 MS. MEADOR: Objection; form.</p> <p>5 MR. GRILL: Objection.</p> <p>6 You can answer, if you can.</p> <p>7 BY THE WITNESS:</p> <p>8 <b>A It's a hypothetical situation, and I don't</b></p> <p>9 <b>care to speculate.</b></p> <p>10 <b>BY MR. AINSWORTH:</b></p> <p>11 Q Did you ever sit for the sergeant's exam?</p> <p>12 <b>A Yes, I did.</b></p> <p>13 Q How many times?</p> <p>14 <b>A Once.</b></p> <p>15 Q All right. On the detective's exam, were</p> <p>16 scenarios posed to you where you were asked to</p> <p>17 then respond based on what you would do as a</p> <p>18 detective?</p> <p>19 <b>A I have no idea, no recollection.</b></p> <p>20 Q Okay. Are you saying, sir, that you would</p> <p>21 have no problem if a detective did not follow up</p> <p>22 on the fact that two suspects in the same murder</p> <p>23 investigations are both providing the exact same</p> <p>24 lie during their interrogations?</p>	<p>139</p> <p>1 <b>come in or call you in the -- wherever you</b></p> <p>2 <b>happened to be.</b></p> <p>3 Q All right. And when felony review arrived</p> <p>4 on a case that you were working on, would you</p> <p>5 speak with the felony review assistant State's</p> <p>6 attorney to fill them in on what was going on?</p> <p>7 <b>A Yes.</b></p> <p>8 Q Would you show them paperwork?</p> <p>9 <b>A Yes.</b></p> <p>10 Q Would you show them whatever paperwork you</p> <p>11 had on the case at that point in time?</p> <p>12 <b>A Yes.</b></p> <p>13 Q Would you sometimes sit in on statements</p> <p>14 that were obtained from suspects by the assistant</p> <p>15 State's attorney?</p> <p>16 <b>A Yes.</b></p> <p>17 Q And would you -- what would happen to that</p> <p>18 statement that was written up by the assistant</p> <p>19 State's attorney and signed by the suspect and by</p> <p>20 the -- and yourself as a witness?</p> <p>21 <b>A I don't --</b></p> <p>22 MS. MEADOR: Objection; form.</p> <p>23 BY THE WITNESS:</p> <p>24 <b>A -- recall.</b></p>
<p>138</p> <p>1 <b>A It's a hypothetical situation, and I'm not</b></p> <p>2 <b>going to speculate on it.</b></p> <p>3 Q Sir, so -- where were police files kept in</p> <p>4 1994 at Area 1?</p> <p>5 <b>A In the sergeant's office.</b></p> <p>6 Q Could anyone access those files, or how</p> <p>7 would you get access to a file in the sergeant's</p> <p>8 office, I should say?</p> <p>9 <b>A My particular -- I would tell the sergeant</b></p> <p>10 <b>I'm taking out the Jones file to look at it.</b></p> <p>11 Q Would you have to sign a card?</p> <p>12 <b>A I don't recall, sir.</b></p> <p>13 Q Do you recall there being green -- green</p> <p>14 cards in the file that you would have to sign to</p> <p>15 check out a file?</p> <p>16 <b>A I don't recall.</b></p> <p>17 Q Did you -- did you sometimes call felony</p> <p>18 review to have them come to the station to review</p> <p>19 a case?</p> <p>20 <b>A Yes.</b></p> <p>21 Q How would you go about that?</p> <p>22 <b>A Dial the number at 26th and California.</b></p> <p>23 <b>They had a -- I would refer to them as a</b></p> <p>24 <b>dispatcher, and you would ask someone to either</b></p>	<p>140</p> <p>1 <b>BY MR. AINSWORTH:</b></p> <p>2 Q Would you make sure that that confession</p> <p>3 was part of the official file maintained by the</p> <p>4 police department?</p> <p>5 <b>A Yes.</b></p> <p>6 Q And how would you -- how would you make</p> <p>7 sure that the statement that's signed -- or the</p> <p>8 confession that's signed by the suspect, and by</p> <p>9 the assistant State's attorney and yourself, would</p> <p>10 be made part of the official police file?</p> <p>11 <b>A It would have been left in the sergeant's</b></p> <p>12 <b>in basket.</b></p> <p>13 Q And that would be the original statement</p> <p>14 to ensure its authenticity; is that right?</p> <p>15 MR. GRILL: Objection; form, foundation.</p> <p>16 MR. ADELMAN: Join.</p> <p>17 BY MR. AINSWORTH:</p> <p>18 Q You can answer, sir.</p> <p>19 <b>A I don't recall.</b></p> <p>20 Q Did you ever see a -- did you ever know</p> <p>21 assistant State's attorneys to maintain their own</p> <p>22 files regarding a homicide that you were working?</p> <p>23 MR. GRILL: Objection; foundation.</p> <p>24 MR. ADELMAN: Join.</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

36 (141 to 144)

<p>141</p> <p>1 BY THE WITNESS:</p> <p>2 <b>A If they had a felony review folder.</b></p> <p>3 <b>BY MR. AINSWORTH:</b></p> <p>4 Q And that would -- that they would use to</p> <p>5 take notes on, correct?</p> <p>6 <b>A I don't know what they did with it.</b></p> <p>7 Q Did you ever know assistant State's</p> <p>8 attorneys to take copies of police reports?</p> <p>9 <b>A I don't know, sir.</b></p> <p>10 Q Did you ever know felony review assistant</p> <p>11 State's attorneys to take copies or the originals</p> <p>12 of statements by suspects?</p> <p>13 <b>A I don't recall, sir.</b></p> <p>14 Q The Exhibit No. 3 that I showed you</p> <p>15 previously, the statement by Nevest Coleman on the</p> <p>16 GPR that you created, did Nevest Coleman say</p> <p>17 anything to you other than what's -- what appears</p> <p>18 in that document?</p> <p>19 <b>A No.</b></p> <p>20 Q I'll show it to you again.</p> <p>21 Was he cooperative?</p> <p>22 <b>A I don't recall.</b></p> <p>23 Q If he was uncooperative, would you have</p> <p>24 noted that?</p>	<p>143</p> <p>1 <b>A Again, it's hypothetical.</b></p> <p>2 Q So I'm not asking about a hypothetical.</p> <p>3 I'm asking about experiences that you've had in</p> <p>4 your career where witnesses refuse to answer</p> <p>5 questions. That's happened to you before, right?</p> <p>6 <b>A I don't recall, sir.</b></p> <p>7 Q All right. So in your career as a Chicago</p> <p>8 police officer, you've never had it happen where</p> <p>9 somebody answered some questions but then refused</p> <p>10 to tell you where their boyfriend was or what they</p> <p>11 did earlier that day; is that what you're saying?</p> <p>12 <b>A I don't recall.</b></p> <p>13 Q And -- and you don't have any -- as you</p> <p>14 told us before, you don't have any problem with</p> <p>15 your memory, right?</p> <p>16 <b>A That's correct.</b></p> <p>17 Q All right. Have you ever seen a fellow</p> <p>18 Chicago police officer violate any of the rules or</p> <p>19 regulations of the Chicago Police Department?</p> <p>20 <b>A Not to my knowledge, no, sir.</b></p> <p>21 Q You've never observed another Chicago</p> <p>22 police officer violate the rules or regulations;</p> <p>23 is that right?</p> <p>24 <b>A Not to my knowledge, no, sir.</b></p>
<p>142</p> <p>1 <b>A I don't know.</b></p> <p>2 Q Well, for example, if Nevest Coleman had</p> <p>3 refused to answer a question, would you have noted</p> <p>4 what question he had refused to answer? Like</p> <p>5 wouldn't tell me, you know, what he did after</p> <p>6 finding the body or something like that?</p> <p>7 <b>A I don't know, sir.</b></p> <p>8 Q Well, wouldn't you want to know if a</p> <p>9 witness was refusing to answer questions in a</p> <p>10 homicide investigation?</p> <p>11 <b>A I don't know.</b></p> <p>12 Q You don't know if you would -- well, going</p> <p>13 back to what we were talking about previously in</p> <p>14 this deposition, sometimes when witnesses don't</p> <p>15 want to provide information, it could be for a</p> <p>16 benign reason of fear or they're having a bad day;</p> <p>17 but sometimes it could be indicative that they're</p> <p>18 trying to cover up, you know, their viability in a</p> <p>19 crime, right?</p> <p>20 <b>A I don't know, sir.</b></p> <p>21 Q What don't you know? You don't know --</p> <p>22 you don't know that there -- there might be</p> <p>23 different explanations for why somebody would</p> <p>24 refuse to answer a question?</p>	<p>144</p> <p>1 Q How many times have you been disciplined</p> <p>2 by the Chicago Police Department?</p> <p>3 <b>A I don't recall, sir.</b></p> <p>4 Q Well, how many times have you been</p> <p>5 suspended?</p> <p>6 <b>A I don't recall, sir.</b></p> <p>7 Q You think you -- do you think you'd</p> <p>8 remember how many times you've been suspended?</p> <p>9 MS. MEADOR: Objection; form.</p> <p>10 MR. GRILL: Join.</p> <p>11 BY THE WITNESS:</p> <p>12 <b>A Sir, can I take a break?</b></p> <p>13 <b>BY MR. AINSWORTH:</b></p> <p>14 Q Sure. Just answer the question.</p> <p>15 <b>A Can you repeat it again, please.</b></p> <p>16 Q Yeah. I believe the question was how</p> <p>17 many -- do you think you -- I think it was do you</p> <p>18 think you would remember how many times you've</p> <p>19 been suspended?</p> <p>20 <b>A I remember one in particular, but I think</b></p> <p>21 <b>that there was another one possibly.</b></p> <p>22 MR. AINSWORTH: All right. Let's take a</p> <p>23 break.</p> <p>24 MR. GRILL: How long? Five minutes?</p>



Transcript of Thomas Kelly  
Conducted on July 14, 2020

37 (145 to 148)

<p style="text-align: right;">145</p> <p>1 MR. AINSWORTH: Whatever the witness would 2 like. 3 MR. GRILL: Five minutes. 4 (Short recess.) 5 MR. AINSWORTH: Let's go back on the 6 record. 7 BY MR. AINSWORTH: 8 Q Sir, are there any of your answers to the 9 deposition thus far that you'd like to amend or 10 correct in any way? 11 MS. MEADOR: Objection -- 12 MR. GRILL: In the whole dep? 13 MS. MEADOR: -- form. 14 MR. GRILL: Form. 15 MR. AINSWORTH: Yes. 16 (Reporter clarification.) 17 MR. AINSWORTH: There's no answer yet. 18 BY THE WITNESS: 19 <b>A I don't know, sir.</b> 20 <b>BY MR. AINSWORTH:</b> 21 Q All right. Are you feeling okay to 22 continue with the deposition? 23 <b>A Oh, obviously.</b> 24 Q All right. Just let us know if you need</p>	<p style="text-align: right;">147</p> <p>1 MR. GRILL: Objection to form -- 2 MS. MEADOR: Objection; form. 3 MR. GRILL: -- foundation. 4 MS. MEADOR: Join. 5 BY THE WITNESS: 6 <b>A Again, you would be asking me to speculate</b> 7 <b>on a hypothetical.</b> 8 <b>BY MR. AINSWORTH:</b> 9 Q All right. Well, I'm not asking you a 10 hypothetical, sir. I'm asking you about the two 11 GPRs and any inconsistencies between them. You 12 can't tell us which one is more likely to be true; 13 is that right? 14 MS. MEADOR: Objection; form. 15 MR. GRILL: Join. 16 BY THE WITNESS: 17 <b>A I only can tell you what I wrote.</b> 18 <b>BY MR. AINSWORTH:</b> 19 Q Right. And so I -- I take from that 20 answer -- and I just want to make sure I got it 21 right, because this is my interpretation, and I 22 want to give you the opportunity to correct me if 23 I'm wrong -- that, because you can only tell us 24 what you wrote, you can't explain away any</p>
<p style="text-align: right;">146</p> <p>1 anything. 2 So I want to show you what we'll mark as 3 Exhibit No. 7. 4 (Kelly Exhibit No. 7 was marked for 5 identification.) 6 BY MR. AINSWORTH: 7 Q All right. This is Exhibit Bates numbered 8 RFC000192. 9 And I'm -- what I'm going to ask you to 10 do, sir, is to read over this handwritten GPR and 11 tell us if it has any -- if it refreshes any 12 recollection of your conversation with Nevest 13 Coleman on April 28, 1994. 14 <b>A No, it doesn't.</b> 15 Q Do you want me to scroll down? 16 <b>A It's not my document or I didn't prepare</b> 17 <b>it.</b> 18 Q I understand, sir. And, I guess, my 19 question is if there are any inconsistencies 20 between the version that's written on this page 21 and the version that Nevest Coleman provided to 22 you, you can't say anything one way or the other 23 about which is more likely to be true; is that 24 right?</p>	<p style="text-align: right;">148</p> <p>1 inconsistencies or discrepancies between the 2 account in Exhibit 7 versus the account that you 3 wrote down in Exhibit 3; is that right? 4 <b>A Yes.</b> 5 Q Did you know that -- did you hear about 6 Nevest Coleman or Derrell Fulton being released 7 from prison? 8 <b>A I saw on Channel -- I think it was Channel</b> 9 <b>7, and I can't tell you, a couple years ago</b> 10 <b>maybe -- that Mr. Coleman had gone back to work at</b> 11 <b>White Sox Park.</b> 12 Q When you saw that news report, did you 13 realize that you had worked on that case? 14 <b>A Absolutely no idea, no, sir.</b> 15 Q Do you have any opinion as to whether 16 Nevest Coleman is guilty or innocent of the murder 17 of Antwinica Bridgeman? 18 <b>A No, sir.</b> 19 Q Do you have any opinion as to whether 20 Derrell Fulton is guilty or innocent of the 21 Antwinica Bridgeman murder? 22 <b>A No, sir.</b> 23 Q Do you have any opinion as to whether 24 Eddie Taylor's guilty or innocent of the Antwinica</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

38 (149 to 152)

<p>149</p> <p>1 Bridgeman murder?</p> <p>2 <b>A No, sir.</b></p> <p>3 Q Were you ever contacted by the State's</p> <p>4 attorneys who were conducting a reinvestigation</p> <p>5 into the case?</p> <p>6 <b>A No, sir.</b></p> <p>7 Q You were suspended for 30 days back in the</p> <p>8 '70s. You thought there was another time you were</p> <p>9 suspended; is that correct?</p> <p>10 <b>A Probably at least two more. I'm not</b></p> <p>11 <b>positive.</b></p> <p>12 Q How long were the other two suspensions,</p> <p>13 according to your memory?</p> <p>14 <b>A I think they were both five days.</b></p> <p>15 Q Do you remember a case involving Demarco</p> <p>16 Spates?</p> <p>17 <b>A I don't think so.</b></p> <p>18 Q Do you remember being accused of being</p> <p>19 with two other detectives, a detective Roger</p> <p>20 Murphy and a detective Allen Szudarski, spelled</p> <p>21 S-Z-U-D-A-R-S-K-I, and having a -- a gentleman in</p> <p>22 your car, one of your fellow detectives, punching</p> <p>23 him, driving him around, and then dropping him</p> <p>24 back off without creating a contact card?</p>	<p>151</p> <p>1 allegations against you based on -- yeah, and then</p> <p>2 also a sustained violation of Rule 2, which -- of</p> <p>3 any action or conduct which impedes the</p> <p>4 department's effort to achieve its policy and</p> <p>5 goals or brings discredit upon the department.</p> <p>6 <b>A These may have been sustained. Do you</b></p> <p>7 <b>have a date on this report, sir? Do you know when</b></p> <p>8 <b>this was...</b></p> <p>9 Q Yes. This is part of the -- it's bringing</p> <p>10 up -- all right. This is -- so, I guess -- here.</p> <p>11 Let me stop sharing so I can take a look, and I'll</p> <p>12 just tell you -- or I'll -- I'll show it to you if</p> <p>13 you'd like to see.</p> <p>14 <b>A It says '17 December 10 up in the</b></p> <p>15 <b>right-hand corner.</b></p> <p>16 Q Yes, for the -- for -- that's the updated</p> <p>17 report, correct.</p> <p>18 And so based on that you think that you</p> <p>19 were retired before they could suspend you or</p> <p>20 anything like that; is that right?</p> <p>21 <b>A I was forced off by my age.</b></p> <p>22 MS. MEADOR: Russell?</p> <p>23 MR. AINSWORTH: Yes.</p> <p>24 MS. MEADOR: Just for the record for those</p>
<p>150</p> <p>1 <b>A I'm familiar with the allegation.</b></p> <p>2 Q All right. Are you familiar with the</p> <p>3 sustained allegations against you, which cont- --</p> <p>4 which included violation of Rule 6 for</p> <p>5 disobedience or an -- of an order or directive,</p> <p>6 whether written or oral, and violation of Rule 14,</p> <p>7 making a false report written or oral?</p> <p>8 <b>A I think I may have retired by that point,</b></p> <p>9 <b>but I'm not positive.</b></p> <p>10 Q This is back in '06, so before your</p> <p>11 retirement.</p> <p>12 <b>A This is a document you put up here for me,</b></p> <p>13 <b>that was --</b></p> <p>14 Q Oh, shoot. I'm sharing this. I'm so</p> <p>15 sorry. I should note that for the record.</p> <p>16 This is Exhibit 8.</p> <p>17 (Kelly Exhibit No. 8 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. AINSWORTH:</p> <p>20 Q And this is a document that's -- I didn't</p> <p>21 realize I was displaying it to you. My apologies,</p> <p>22 sir -- Bates numbered City 22117 and Bates stamped</p> <p>23 City 22118, City 22119.</p> <p>24 And so the -- these were sustained</p>	<p>152</p> <p>1 exhibits, just identifying that they're</p> <p>2 confidential records so to the extent anyone would</p> <p>3 use it for pleadings, they would be redacted from</p> <p>4 the video.</p> <p>5 MR. AINSWORTH: I'm not -- they are</p> <p>6 confidential, and they remain confidential, if</p> <p>7 that's what you're asking.</p> <p>8 MS. MEADOR: Yeah. I don't know exactly</p> <p>9 what -- how they might be used, but, you know,</p> <p>10 obviously when exhibits are marked in a deposition</p> <p>11 that are confidential they're designated on the</p> <p>12 record as being so. So I guess, to that extent,</p> <p>13 I'm just designating that those are confidential.</p> <p>14 Thank you.</p> <p>15 BY MR. AINSWORTH:</p> <p>16 Q All right. Did you ever talk to Murphy or</p> <p>17 Szudarski about what punishment they received as a</p> <p>18 result of the sustained findings against them?</p> <p>19 <b>A I believe Szudarski also retired prior --</b></p> <p>20 <b>I believe prior to that.</b></p> <p>21 <b>Murphy has been totally exonerated, to the</b></p> <p>22 <b>best of my knowledge.</b></p> <p>23 Q Why do you believe that Murphy was totally</p> <p>24 exonerated from the sustained findings against</p>

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Transcript of Thomas Kelly  
Conducted on July 14, 2020

39 (153 to 156)

<p>153</p> <p>1 him?</p> <p>2 <b>A Because he told me he was.</b></p> <p>3 Q All right. When did he tell you that?</p> <p>4 <b>A We were partners for an extended period of</b></p> <p>5 <b>time. I don't know. Whatever the -- it was</b></p> <p>6 <b>finally adjudicated.</b></p> <p>7 Q Well, that was after you retired, so you</p> <p>8 weren't partners anymore, correct?</p> <p>9 <b>A I was a friend of his.</b></p> <p>10 Q All right. Were you a witness to either</p> <p>11 Detective Rogers or Szudarski striking Demarco</p> <p>12 Spates?</p> <p>13 <b>A No.</b></p> <p>14 Q Did you lie in your to-from report</p> <p>15 regarding your recollection of the encounter</p> <p>16 between you and your fellow detectives and Demarco</p> <p>17 Spates?</p> <p>18 <b>A No.</b></p> <p>19 Q Specifically, did you lie in your to-from</p> <p>20 report and claim that you didn't create a contact</p> <p>21 card regarding your encounter with Demarco Spates</p> <p>22 because you had to -- you were called to the scene</p> <p>23 of a shooting?</p> <p>24 <b>A I do recall saying that, yes, sir.</b></p>	<p>155</p> <p>1 <b>A I recall now. My memory is refreshed.</b></p> <p>2 Q And --</p> <p>3 <b>A No, I don't know the outcome. Pardon me.</b></p> <p>4 Q You don't know that the City of Chicago</p> <p>5 paid \$370,000 to Mike Purnell?</p> <p>6 <b>A No, sir.</b></p> <p>7 Q And, eventually, Mike Purnell gave a</p> <p>8 confession in that case, right?</p> <p>9 <b>A I believe so.</b></p> <p>10 Q And he alleged it was coerced, correct?</p> <p>11 <b>A I don't know about that part of it, sir.</b></p> <p>12 Q Well, what about the part where the judge</p> <p>13 suppressed his confession; do you know about that</p> <p>14 part?</p> <p>15 <b>A I don't recall it, no.</b></p> <p>16 Q Do you recall Mike Purnell being held at</p> <p>17 Area 1 for 66 to 68 hours?</p> <p>18 <b>A No, I don't.</b></p> <p>19 Q Do you recall Mike Purnell alleging that</p> <p>20 the air conditioning at Area 1 was uncomfortably</p> <p>21 cold while he was there in order to deprive him of</p> <p>22 sleep?</p> <p>23 <b>A No, I don't, sir.</b></p> <p>24 Q Do you recall Mike Purnell alleging that</p>
<p>154</p> <p>1 Q All right. And then do you recall</p> <p>2 allegations from a guy named Charles Booker who</p> <p>3 sued you?</p> <p>4 <b>A Yes, I do.</b></p> <p>5 Q All right. And are those allegations true</p> <p>6 that were brought against you by Charles Booker?</p> <p>7 <b>A Absolutely not.</b></p> <p>8 Q All right. Well, let me ask you, sir --</p> <p>9 sorry. I have the wrong document in front of me.</p> <p>10 Well, while I'm here, I'll ask you about</p> <p>11 Mike Purnell. Do you remember Mike Purnell suing</p> <p>12 you?</p> <p>13 <b>A I don't remember the name, no.</b></p> <p>14 Q Do you know how many times you've been</p> <p>15 sued?</p> <p>16 <b>A I'm guessing five or six.</b></p> <p>17 Q All right. Do you know what the outcome</p> <p>18 of the lawsuits that Mike Purnell brought against</p> <p>19 you and Ed Farley and Bob Lenahan and Jim Riley?</p> <p>20 <b>A I would need a little help here with who</b></p> <p>21 <b>he is.</b></p> <p>22 Q Sure. This is the case where there was a</p> <p>23 shooting at -- I think it was the one at Ogden</p> <p>24 Park.</p>	<p>156</p> <p>1 he had to urinate on himself because he wasn't</p> <p>2 taken to the -- allowed to use the restroom?</p> <p>3 <b>A No, I don't, sir.</b></p> <p>4 Q Do you recall Mike Purnell alleging that</p> <p>5 he was deprived of food and water for over</p> <p>6 48 hours?</p> <p>7 <b>A No, sir.</b></p> <p>8 Q Can you describe the interrogation rooms</p> <p>9 at Area 1 for us back in 1994, what they looked</p> <p>10 like?</p> <p>11 <b>A Purnell is 1994?</b></p> <p>12 Q No, he's 2000. I'm -- I'm switching</p> <p>13 slightly to say that he's -- to ask you about what</p> <p>14 the interrogation rooms looked like back in 1994</p> <p>15 at Area 1?</p> <p>16 <b>A They were probably eight by ten, ten by</b></p> <p>17 <b>ten rectangular. I believe some had one bench,</b></p> <p>18 <b>some had two benches, and a ring in the wall to</b></p> <p>19 <b>affix handcuffs to.</b></p> <p>20 Q Were the light switches on the inside of</p> <p>21 the room or the outside of the room?</p> <p>22 <b>A I don't recall.</b></p> <p>23 Q Were they -- could a person detained in an</p> <p>24 interrogation room reach the light switch by</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

40 (157 to 160)

<p>157</p> <p>1 themselves?</p> <p>2 <b>A I don't know.</b></p> <p>3 Q Were you required by department regulation</p> <p>4 in 1994 to handcuff a suspect inside the</p> <p>5 interrogation room when you were not interacting</p> <p>6 with that suspect?</p> <p>7 <b>A Yes, sir.</b></p> <p>8 Q And would you follow that practice when</p> <p>9 you were not interacting with a suspect to keep</p> <p>10 the person handcuffed within the interrogation</p> <p>11 room?</p> <p>12 <b>A Yes, sir.</b></p> <p>13 Q And then take the handcuffs off when you</p> <p>14 were interacting with them; is that right?</p> <p>15 <b>A Not specifically, no.</b></p> <p>16 Q All right. But, in any event, that's what</p> <p>17 the ring on the wall was for, to have a secure</p> <p>18 place to ensure that anybody in that room wasn't</p> <p>19 going to attack anybody who came into that room,</p> <p>20 right?</p> <p>21 <b>A Or harm themselves, too, I would say, sir.</b></p> <p>22 Q Or harm themselves, too, yeah.</p> <p>23 And, to your knowledge, other detectives</p> <p>24 in Area 1 in 1994 conformed to the same practice</p>	<p>159</p> <p>1 <b>BY MR. AINSWORTH:</b></p> <p>2 Q Okay. Do you recall being reprimanded for</p> <p>3 getting overtime for going to court without going</p> <p>4 through the proper procedures?</p> <p>5 <b>A No, I don't.</b></p> <p>6 Q Do you know any of the -- do you know the</p> <p>7 residents at 917 West Garfield?</p> <p>8 <b>A No, I don't, sir.</b></p> <p>9 Q Have you ever been -- have you ever been</p> <p>10 there before to your knowledge?</p> <p>11 <b>A Not to my knowledge.</b></p> <p>12 Q Do you know any other members of Nevest</p> <p>13 Coleman's family?</p> <p>14 <b>A Not to my knowledge.</b></p> <p>15 Q Do you know any other members of Derrell</p> <p>16 Fulton's family?</p> <p>17 <b>A No, sir.</b></p> <p>18 Q And do you know any members of Antwinica</p> <p>19 Bridgeman's family?</p> <p>20 <b>A No, sir.</b></p> <p>21 Q Is there anything else that you can tell</p> <p>22 us about the Antwinica Bridgeman homicide</p> <p>23 investigation that you haven't told us here today?</p> <p>24 MR. GRILL: Objection; form.</p>
<p>158</p> <p>1 of handcuffing suspects inside the interrogation</p> <p>2 room when they were unattended; is that correct?</p> <p>3 <b>A I don't know.</b></p> <p>4 MR. GRILL: Objection; form, foundation.</p> <p>5 BY MR. AINSWORTH:</p> <p>6 Q What do you mean you don't know?</p> <p>7 MR. GRILL: Objection; form,</p> <p>8 argumentative.</p> <p>9 BY MR. AINSWORTH:</p> <p>10 Q All right. Let me ask it this way: There</p> <p>11 were times when you would go into interrogation</p> <p>12 rooms while you were at Area 1 and there would be</p> <p>13 a suspect there and you were not the last person</p> <p>14 to interact with that suspect. You would expect,</p> <p>15 when you walked into the room, that the person</p> <p>16 would be restrained to the ring on the wall,</p> <p>17 right?</p> <p>18 <b>A Yes.</b></p> <p>19 Q You wouldn't have to be worried that the</p> <p>20 person might be laying in wait for you each time</p> <p>21 you went into the interrogation room, right?</p> <p>22 MR. GRILL: Objection; form.</p> <p>23 BY THE WITNESS:</p> <p>24 <b>A No, I wasn't worried.</b></p>	<p>160</p> <p>1 BY THE WITNESS:</p> <p>2 <b>A No, sir.</b></p> <p>3 <b>BY MR. AINSWORTH:</b></p> <p>4 Q Do you have any suspicions as to who</p> <p>5 killed Antwinica Bridgeman?</p> <p>6 <b>A No, sir, I don't.</b></p> <p>7 MR. AINSWORTH: All right. Sir, I don't</p> <p>8 have any further questions for you, but other</p> <p>9 attorneys here might.</p> <p>10 EXAMINATION</p> <p>11 BY MR. CURRAN:</p> <p>12 Q Sir, my name is Nick Curran. I represent</p> <p>13 Derrell Fulton. I have just a few follow-up</p> <p>14 questions for you.</p> <p>15 Are you okay to proceed, or did you want</p> <p>16 to take a break?</p> <p>17 <b>A I'm fine. Go right ahead.</b></p> <p>18 Q Thank you.</p> <p>19 Back in 1994, when you were working as a</p> <p>20 detective, did you typically wear a name plate?</p> <p>21 <b>A No, sir.</b></p> <p>22 Q Did any of the other detectives that you</p> <p>23 worked with at the area wear name plates?</p> <p>24 <b>A No, sir.</b></p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

41 (161 to 164)

<p>161</p> <p>1 Q Would you say that there -- anything 2 unique about Mr. Clancy's appearance back in 1994? 3 <b>A Not that I recall, no, sir.</b> 4 Q Do you recall anything unique about Bill 5 Foley's appearance in 1994? 6 <b>A No, sir.</b> 7 Q Can you just briefly describe for me the 8 process back in 1994 for requesting criminal 9 records of an individual? 10 <b>A You would -- the actual IR number may have 11 been available on a computer at that time, only 12 the IR number, if there was one.</b> 13 <b>After you obtained the IR number, you had 14 to fill out a form, put the person's name on 15 there, the IR number. You had to sign the form.</b> 16 <b>Then the form was faxed, the 17 identification section. Then sometime after they 18 received the fax, the fax would be sent back to 19 Area 1 or whatever area it was.</b> 20 Q And just is so the record is clear, what 21 is an IR number? 22 <b>A Investigative record.</b> 23 Q And how would a person be assigned an IR 24 number, if you know?</p>	<p>163</p> <p>1 the course of -- 2 <b>A Quite a few times. Yes, sir.</b> 3 Q Do you recall if any of the attorneys in 4 felony review maintained a briefcase at the area? 5 MR. GRILL: Objection; foundation or form. 6 MR. ADELMAN: Join. 7 BY THE WITNESS: 8 <b>A I don't know, sir.</b> 9 <b>BY MR. CURRAN:</b> 10 Q Do you have any recollection of any of the 11 attorneys in felony review -- a place where they 12 could keep records at the area? 13 MR. GRILL: Objection; form. 14 BY THE WITNESS: 15 <b>A I don't recall, sir.</b> 16 <b>BY MR. CURRAN:</b> 17 Q Do you have any recollection of what gang 18 activity, if any, there was at 917 West Garfield 19 back in April of 1994? 20 <b>A I have no idea. No, sir.</b> 21 Q Were you ever contacted by the conviction 22 integrity unit concerning Derrell Fulton? 23 <b>A No, sir.</b> 24 Q Same question as to Nevest Coleman?</p>
<p>162</p> <p>1 <b>A You would have to be fingerprinted, to the 2 best of my knowledge.</b> 3 Q Back in April of 1994, was there a typical 4 turnaround time for receiving the return fax with 5 an individual's criminal history? 6 <b>A No, sir.</b> 7 Q Would the records that you requested, 8 related to an individual's criminal history, 9 include their criminal history as a juvenile? 10 <b>A No, sir.</b> 11 Q Did you, back in April of 1994, have the 12 ability to obtain a juvenile criminal history? 13 <b>A I don't recall.</b> 14 Q I think the answer to this question is 15 probably obvious, so then you do not recall the 16 procedure, or if there was a procedure, whereby 17 you could obtain those records? 18 <b>A That's correct.</b> 19 Q Over the course of your career, how many 20 times would you approximate you met with assistant 21 State's attorneys working in felony review? 22 <b>A At least 50, but I -- I know it's more. I 23 don't want to throw out some other number.</b> 24 Q So quite a few times, is that fair, over</p>	<p>164</p> <p>1 <b>A Same answer, sir.</b> 2 Q Okay. Have you ever been interviewed by 3 the conviction integrity unit related to any other 4 case that you've worked on? 5 <b>A To the best of my recollection, no.</b> 6 Q Do you have e-mail addresses for any of 7 the other named defendants in this lawsuit? 8 <b>A No, I don't.</b> 9 Q Do you have phone numbers for any of the 10 other named defendants in this lawsuit? 11 <b>A I might have Al Graf's.</b> 12 Q To your knowledge, do you have the phone 13 numbers of any of the other named defendants in 14 this lawsuit? 15 <b>A I think I have Al Graf's.</b> 16 Q And that's the only one? 17 <b>A Yes, sir.</b> 18 Q Have you ever sent any text messages to Al 19 Graf concerning this case? 20 <b>A I've never sent a text message in my life, 21 sir.</b> 22 Q Okay. Have you ever been interviewed by 23 the FBI concerning claims of abuse at Area 1? 24 <b>A No, sir.</b></p>



Transcript of Thomas Kelly  
Conducted on July 14, 2020

42 (165 to 168)

<p>165</p> <p>1 Q Would you agree with me that, as a 2 detective, there were times where your job 3 required you to make speculation based on the 4 evidence that you had in a case you were 5 investigating? 6 MR. GRILL: Objection; form, foundation 7 incomplete hypothetical, calls for speculation. 8 BY MR. CURRAN: 9 Q Go ahead, sir. 10 MR. GRILL: You can answer. 11 BY THE WITNESS: 12 <b>A I would have to speculate, and I don't</b> 13 <b>care to speculate, sir, on a hypothetical.</b> 14 <b>BY MR. CURRAN:</b> 15 Q I understand that, sir, but did you ever, 16 during the course of your extensive history as a 17 detective, speculate -- make speculation based on 18 the evidence you had in a case? 19 <b>A No.</b> 20 Q So you didn't speculate ever? 21 <b>A Not that I recall, no, sir.</b> 22 MR. CURRAN: Okay. I don't think I 23 have -- actually, let me ask you one more 24 question.</p>	<p>167</p> <p>1 Q Okay. So then is it, in your opinion, 2 possible to tell the truth and fail a Polygraph 3 examination? 4 <b>A Yes.</b> 5 Q And does that change your approach to the 6 utility of Polygraph examinations in conducting 7 your investigations as a detective? 8 <b>A No.</b> 9 Q Why not? 10 <b>A It's an investigative tool. It's not</b> 11 <b>admissible in court.</b> 12 Q Okay. So you still used it as an 13 investigative tool, even though you felt that you 14 had taken one and received a false deceptive 15 reading on it? 16 <b>A Yes.</b> 17 MR. CURRAN: No other questions. 18 MR. AINSWORTH: I just have a quick 19 follow-up. 20 EXAMINATION 21 BY MR. AINSWORTH: 22 Q Sir, have you ever used force against a 23 suspect inside an interrogation room? 24 <b>A No, sir.</b></p>
<p>166</p> <p>1 BY MR. CURRAN: 2 Q You said that -- or a couple of -- a 3 series of follow-up questions related to one 4 topic, I should say. 5 You had said that you were administered a 6 Polygraph in connection with a claim that you had 7 taken some money from someone; is that correct? 8 <b>A Money was missing.</b> 9 Q And who was it that was saying money was 10 missing? 11 <b>A The person who was involved in the traffic</b> 12 <b>accident.</b> 13 Q Did he specifically claim that you had 14 taken money from his wallet? 15 <b>A No, not that I recall.</b> 16 Q And you took a Polygraph examination in 17 relation to that accusation; is that correct? 18 <b>A That's correct, sir.</b> 19 Q And you failed that Polygraph examination; 20 is that correct? 21 <b>A I don't feel I did, but...</b> 22 Q Why is it you don't think that you failed 23 the Polygraph examination? 24 <b>A Because I told the truth.</b></p>	<p>168</p> <p>1 Q Have you ever used force against a suspect 2 inside an interview room? 3 <b>A No, sir.</b> 4 Q Have you ever witnessed another detective 5 use force against a suspect or a witness inside an 6 interview room? 7 <b>A No, sir.</b> 8 MR. AINSWORTH: I don't have any further 9 questions. 10 MR. GRILL: I have a couple follow-up 11 unless -- I'll just jump in. 12 MR. ADELMAN: You go ahead. I'll go 13 after. 14 MR. GRILL: Russell, can you bring up 15 Exhibit 1, the training history? 16 MR. AINSWORTH: Yes. Just give me one 17 second, and I'll -- I'll do that. 18 And let me know if you'd like to be able 19 to do it yourself. 20 MR. GRILL: Thanks. Yeah, I'll let you 21 know. Thank you. 22 MR. AINSWORTH: Okay. 23 MR. GRILL: But go ahead. You can control 24 it for now.</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

43 (169 to 172)

<p>169</p> <p>1 MR. AINSWORTH: Sure.</p> <p>2 MR. GRILL: Okay. Thanks.</p> <p>3 EXAMINATION</p> <p>4 BY MR. GRILL:</p> <p>5 Q All right. Detective Kelly, you've seen</p> <p>6 Exhibit 1 earlier today, and you were asked a</p> <p>7 bunch of questions about it.</p> <p>8 As you can see at the top, this training</p> <p>9 record is about 11 pages long, correct?</p> <p>10 <b>A I can't tell from this end. I believe --</b></p> <p>11 MR. GRILL: Russ, do you want to --</p> <p>12 BY MR. GRILL:</p> <p>13 Q Do you see where Russell's --</p> <p>14 <b>A Oh, I see it. I see it. Yes, sir.</b></p> <p>15 Q Okay. And sitting here today, do you --</p> <p>16 you know, you've gone through this document</p> <p>17 earlier today during Mr. Ainsworth's examination.</p> <p>18 Do you -- sitting here today, do you</p> <p>19 recall each one of these, you know, training, you</p> <p>20 know, events that are catalogued on this 11-page</p> <p>21 document?</p> <p>22 <b>A No, sir, I don't.</b></p> <p>23 Q All right. And, in light of that, can</p> <p>24 you -- sitting here today, can you say whether</p>	<p>171</p> <p>1 <b>talked to him, an outcry witness to a crime.</b></p> <p>2 Q Well, what I'm -- what I'm asking for is</p> <p>3 like did you just go up to him and speak to him</p> <p>4 yourself or did -- or was there some other</p> <p>5 reason -- like on your own, or was there some</p> <p>6 other reason you were talking to him?</p> <p>7 <b>A No, I would have been either directed to</b></p> <p>8 <b>speak to him or asked by someone to speak to him,</b></p> <p>9 <b>Mr. Coleman.</b></p> <p>10 Q And when you spoke to him, do you recall</p> <p>11 how long your conversation with Mr. Coleman was?</p> <p>12 <b>A I would say five minutes at the most.</b></p> <p>13 Q Why do you say that?</p> <p>14 <b>A It's a very short interview. It's about</b></p> <p>15 <b>two-thirds to three-quarters of a page.</b></p> <p>16 Q So you're saying it's short because of the</p> <p>17 length of the GPR itself?</p> <p>18 <b>A Yes, sir.</b></p> <p>19 Q And when you spoke to Mr. Coleman, do you</p> <p>20 have a recollection of where you would have been</p> <p>21 at Area 1 when you had this conversation with him?</p> <p>22 <b>A In the large, open area.</b></p> <p>23 Q Do you know what floor that would have</p> <p>24 been on?</p>
<p>170</p> <p>1 this document is, indeed, complete or accurate?</p> <p>2 <b>A No, I can't.</b></p> <p>3 MR. AINSWORTH: Objection; leading.</p> <p>4 MR. CURRAN: Also asked and answered.</p> <p>5 MR. GRILL: Okay. Russell, can you bring</p> <p>6 up the GPR that Detective Kelly authored,</p> <p>7 whichever exhibit that is.</p> <p>8 MR. AINSWORTH: Sure. It's Exhibit 3.</p> <p>9 MR. GRILL: Thanks. If you want to just</p> <p>10 like scan down a little bit so we have kind of the</p> <p>11 body of it.</p> <p>12 MR. AINSWORTH: Yes.</p> <p>13 MR. GRILL: Thanks.</p> <p>14 BY MR. GRILL:</p> <p>15 Q All right. Can you see it on your --</p> <p>16 <b>A Yeah, I see it. Thank you.</b></p> <p>17 Q All right. So, Detective Kelly, when you</p> <p>18 wrote this GPR -- well, what I want to do is ask</p> <p>19 you some questions about how this GPR came about.</p> <p>20 Do you -- sitting here today, do you</p> <p>21 recall how it was that you were speaking to</p> <p>22 Mr. Coleman -- why it was that were you speaking</p> <p>23 to Mr. Coleman in April of 1994 at Area 1?</p> <p>24 <b>A Mr. Coleman was, what I believed when I</b></p>	<p>172</p> <p>1 <b>A Second floor.</b></p> <p>2 Q And why would you say that you would have</p> <p>3 been in the large, open area on the second floor?</p> <p>4 <b>A That's where the detective division</b></p> <p>5 <b>offices are. That's where interviews were</b></p> <p>6 <b>conducted.</b></p> <p>7 Q How can you be sure you weren't in a</p> <p>8 interrogation room?</p> <p>9 <b>A Mr. Coleman was not under arrest. There</b></p> <p>10 <b>would be no point or purpose to put him in an</b></p> <p>11 <b>interrogation room.</b></p> <p>12 Q Do you recall if Mr. Coleman was</p> <p>13 handcuffed when you spoke to him?</p> <p>14 <b>A He was not handcuffed.</b></p> <p>15 Q How do you know that?</p> <p>16 <b>A Because he would have been in an</b></p> <p>17 <b>interrogation room, and I would have advised him</b></p> <p>18 <b>of his rights prior to talking to him.</b></p> <p>19 Q Would you have documented that in the GPR?</p> <p>20 <b>A Yes, sir.</b></p> <p>21 Q When you speak with a -- an individual</p> <p>22 during a criminal investigation and that person is</p> <p>23 in handcuffs, do you typically make a note of that</p> <p>24 or no?</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

44 (173 to 176)

<p>173</p> <p>1 <b>A No.</b></p> <p>2 MR. CURRAN: Objection; calls for</p> <p>3 speculation.</p> <p>4 MR. GRILL: Okay.</p> <p>5 BY MR. GRILL:</p> <p>6 Q In this case -- you were asked -- well,</p> <p>7 here I'll just ask it this way: If Coleman, when</p> <p>8 you spoke with him, had refused to answer any of</p> <p>9 the questions that you were posing to him, would</p> <p>10 you have documented that?</p> <p>11 <b>A Yes, I would have.</b></p> <p>12 MR. CURRAN: Objection; calls for</p> <p>13 speculation.</p> <p>14 MR. AINSWORTH: Join.</p> <p>15 BY MR. GRILL:</p> <p>16 Q How do you know that you would have</p> <p>17 documented it?</p> <p>18 <b>A That is my practice. I would have put</b></p> <p>19 <b>refused to be interviewed on the GPR. That would</b></p> <p>20 <b>have been the end of the GPR.</b></p> <p>21 Q Do you -- did you write anything like that</p> <p>22 in Exhibit 3?</p> <p>23 <b>A No, sir.</b></p> <p>24 Q Okay. So in addition to writing this</p>	<p>175</p> <p>1 Q And when you were done writing this GPR,</p> <p>2 did you do anything else to verify with</p> <p>3 Mr. Coleman, specifically, that you had</p> <p>4 actually -- what you had written down was</p> <p>5 accurate?</p> <p>6 <b>A No, I did not.</b></p> <p>7 Q Did you give Mr. Coleman an opportunity to</p> <p>8 read your GPR after you got done writing this GPR</p> <p>9 out?</p> <p>10 <b>A My normal practice was, at the conclusion</b></p> <p>11 <b>of the GPR, I would read whatever I had written</b></p> <p>12 <b>down and ask, in this case, Mr. Coleman, if there</b></p> <p>13 <b>was anything he wanted to add or if this was --</b></p> <p>14 Q Oh, okay.</p> <p>15 <b>A -- a summary of what he had told me.</b></p> <p>16 Q And your practice would have been to read</p> <p>17 the GPR back to Mr. Coleman?</p> <p>18 <b>A Correct.</b></p> <p>19 Q For the purposes of ensuring that what you</p> <p>20 wrote down was correct and if he had anything to</p> <p>21 add?</p> <p>22 <b>A Yes, sir.</b></p> <p>23 Q Okay. Do you believe that's what you did</p> <p>24 in this case?</p>
<p>174</p> <p>1 GPR -- or strike that question.</p> <p>2 When you got done writing this GPR, did</p> <p>3 you -- what did you do with the GPR?</p> <p>4 MR. CURRAN: Objection; foundation.</p> <p>5 BY THE WITNESS:</p> <p>6 <b>A My practice or common practice was to give</b></p> <p>7 <b>it to a sergeant.</b></p> <p>8 <b>BY MR. GRILL:</b></p> <p>9 Q Okay. And what was your practice at this</p> <p>10 time in 1994, in April of 1994, when you're</p> <p>11 conducting a witness interview, in this case since</p> <p>12 you described him an outcry witness interview,</p> <p>13 when, relative to the interview, would you have</p> <p>14 written the GPR?</p> <p>15 <b>A This GPR was written as I interviewed him.</b></p> <p>16 <b>I asked him what happened, he started to tell me,</b></p> <p>17 <b>and I would write along.</b></p> <p>18 Q Okay. And -- so, basically, what I</p> <p>19 understand you to be describing is you writing</p> <p>20 this particular GPR that's Exhibit 3</p> <p>21 contemporaneously, that is, at the same time, that</p> <p>22 Mr. Coleman is talking to you; do I have that</p> <p>23 right?</p> <p>24 <b>A Yes, you do, sir.</b></p>	<p>176</p> <p>1 <b>A I did it all the time, yes, sir. I do</b></p> <p>2 <b>believe that.</b></p> <p>3 Q Okay. You've been shown, during your</p> <p>4 deposition today, a number of supplemental</p> <p>5 reports. In fact, you read one that was over ten</p> <p>6 pages long today; do you remember that?</p> <p>7 <b>A Yes, sir.</b></p> <p>8 Q Did you have any role, or did you</p> <p>9 participate, in drafting any of the supplemental</p> <p>10 reports in this homicide investigation?</p> <p>11 <b>A No, sir.</b></p> <p>12 Q It's my understanding that the only other</p> <p>13 thing that you did, in addition to talking to</p> <p>14 Mr. Coleman for those five minutes and writing</p> <p>15 that GPR, was to submit the requests for the</p> <p>16 criminal histories, correct?</p> <p>17 <b>A Yes, sir.</b></p> <p>18 Q To your recollection, and based on the</p> <p>19 evidence and documents that you reviewed here, in</p> <p>20 preparation for this deposition and during your</p> <p>21 deposition, is there any other role or activity</p> <p>22 that you did in relation to the Antwinica</p> <p>23 Bridgeman homicide investigation?</p> <p>24 <b>A No, sir.</b></p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

45 (177 to 180)

<p>177</p> <p>1 MR. GRILL: All right. I've got nothing 2 else, if anybody else has questions. 3 MR. ADELMAN: Yeah, I do. 4 (Zoom audio malfunction.) 5 MR. ADELMAN: I'm sorry? 6 MS. MEADOR: I just said no questions for 7 the City. 8 MR. ADELMAN: Oh, okay. 9 EXAMINATION 10 BY MR. ADELMAN: 11 Q Let's see. Detective Kelly, my name is 12 David Adelman. I'm an assistant State's attorney. 13 You had mentioned before that you had 14 heard the name of assistant State's attorney Hal 15 Garfinkel. Do you recall saying that? 16 <b>A Yes, sir, I do.</b> 17 Q Okay. And, let's see, did you know -- you 18 said you recalled hearing the name, but do you 19 actually remember him? 20 <b>A I don't -- if you showed me a picture of</b> 21 <b>him, I wouldn't recognize him. Could we leave --</b> 22 Q Okay. 23 <b>A -- it at that? I'm sure I had cases with</b> 24 <b>him. It's kind of an unusual name, I think.</b></p>	<p>179</p> <p>1 <b>A That's also correct, sir.</b> 2 MR. ADELMAN: Okay. All right. I have 3 nothing further. 4 FURTHER EXAMINATION 5 BY MR. AINSWORTH: 6 Q Sir, given that you don't recall your 7 conversation with Nevest Coleman, you can't tell 8 us definitively whether you read the GPR to him at 9 the end of your conversation; is that correct? 10 <b>A I can only tell you what my common</b> 11 <b>practice was, what I did all the time.</b> 12 Q So what you actually did you would be 13 speculating as to it, right? 14 MR. GRILL: Objection; form. 15 BY THE WITNESS: 16 <b>A Well, I'd be responding to a hypothetical</b> 17 <b>to you, once again, I believe, and I'd have to</b> 18 <b>speculate on that.</b> 19 BY MR. AINSWORTH: 20 Q All right. So you're not going to tell us 21 what you actually did during your conversation 22 with Nevest Coleman. Whether you took notes 23 contemporaneously or whether you read the GPR back 24 to him at the end, you don't know one way or the</p>
<p>178</p> <p>1 Q Do you know -- do you know, either in -- 2 in 1994 were you aware that Nevest Coleman and 3 Derrell Fulton each gave statements to ASA 4 Garfinkel? 5 <b>A No, I wasn't.</b> 6 Q Okay. Are you aware of that now? 7 <b>A I believe I am.</b> 8 Q And were you -- and you weren't present -- 9 strike that. 10 Were you present in the room when ASA 11 Garfinkel took the statements from either Nevest 12 Coleman or Derrell Fulton? 13 <b>A No, sir.</b> 14 Q Okay. It's -- is it fair to say you 15 obviously did not hear what was said between ASA 16 Garfinkel and Nevest Coleman? 17 <b>A That's fair to say, yes, sir.</b> 18 Q Okay. And it's -- is it fair to say that 19 you did not hear what was said between Derrell 20 Fulton and ASA Garfinkel? 21 <b>A Yes, sir, that's also correct.</b> 22 Q And is it fair to say that you did not 23 observe ASA Garfinkel taking the statement -- 24 statements from Nevest Coleman and Derrell Fulton?</p>	<p>180</p> <p>1 other what you actually did, right? 2 <b>A I know I did contem- --</b> 3 MS. MEADOR: Objection to form. 4 BY THE WITNESS: 5 <b>A -- contemporane- --</b> 6 MR. GRILL: Thank you. I was -- just give 7 us a second. 8 Objection; form, argumentative. 9 Go ahead. 10 BY THE WITNESS: 11 <b>A I take notes contemporaneously when I</b> 12 <b>interview witnesses.</b> 13 BY MR. AINSWORTH: 14 Q Okay. But you don't remember this 15 conversation, right? I know -- I know your 16 practice to do that right, and that's what you 17 recall doing as your practice, right? 18 <b>A Yes, sir.</b> 19 Q But you can't tell us whether you took 20 notes contemporaneously because that would require 21 you to speculate as to what you actually did on 22 this one occasion, right? 23 <b>A No, sir.</b> 24 Q All right. So you don't know if you're</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

46 (181 to 184)

<p>181</p> <p>1 taking notes contemporaneously, correct?</p> <p>2 MR. GRILL: Objection; form, foundation.</p> <p>3 BY MR. AINSWORTH:</p> <p>4 Q Although it was your practice to do so?</p> <p>5 <b>A Yes, sir.</b></p> <p>6 Q And you don't know if you read the GPR</p> <p>7 back to Mr. Coleman after you wrote it up,</p> <p>8 although it was your practice to do so, correct?</p> <p>9 <b>A That's correct.</b></p> <p>10 MR. AINSWORTH: I don't have any further</p> <p>11 questions.</p> <p>12 MR. CURRAN: Very brief follow-up on that.</p> <p>13 FURTHER EXAMINATION</p> <p>14 BY MR. CURRAN:</p> <p>15 Q Sir, you did not write in your GPR that</p> <p>16 you read the GPR to Mr. Coleman, correct?</p> <p>17 <b>A No, sir.</b></p> <p>18 Q Why not?</p> <p>19 <b>A It's not my practice.</b></p> <p>20 Q Why wasn't it your practice?</p> <p>21 <b>A He was a witness at that point.</b></p> <p>22 Q You've taken handwritten statements from</p> <p>23 witnesses; is that correct?</p> <p>24</p>	<p>183</p> <p>1 <b>A Yes, sir.</b></p> <p>2 Q And I would presume part of reason for</p> <p>3 that is to memorialize the fact that the witness,</p> <p>4 in fact, had the opportunity to review the</p> <p>5 statement; is that correct?</p> <p>6 <b>A I don't know, sir.</b></p> <p>7 Q Okay. Was there a reason you did not</p> <p>8 memorialize the fact that it was your practice to</p> <p>9 have a witness review a GPR, the GPR itself?</p> <p>10 MR. GRILL: Objection; mischaracterizes</p> <p>11 his testimony.</p> <p>12 BY MR. CURRAN:</p> <p>13 Q Okay. Let me back up then, sir.</p> <p>14 Was it your practice to document that you</p> <p>15 allowed a witness to review a GPR?</p> <p>16 MR. GRILL: It still mischaracterizes his</p> <p>17 testimony.</p> <p>18 MR. CURRAN: It was a question, Andrew. I</p> <p>19 didn't characterize his testimony.</p> <p>20 BY MR. CURRAN:</p> <p>21 Q Go ahead, sir.</p> <p>22 MR. GRILL: Then it's a -- then it's a</p> <p>23 form -- it's a form and foundation objection then,</p> <p>24 Nick.</p>
<p>182</p> <p>1 (Zoom audio malfunction. Reporter</p> <p>2 clarification.)</p> <p>3 BY MR. CURRAN:</p> <p>4 Q You've taken handwritten statements from</p> <p>5 witness, I presume, as a detective?</p> <p>6 MR. GRILL: Objection; form, foundation.</p> <p>7 BY MR. CURRAN:</p> <p>8 Q Yes or no, sir?</p> <p>9 <b>A No.</b></p> <p>10 Q You've never, as a detective, taken a</p> <p>11 handwritten statement -- or, excuse me. Strike</p> <p>12 that. Let me rephrase the question.</p> <p>13 Have you ever been present when a</p> <p>14 handwritten statement has been taken from a</p> <p>15 witness?</p> <p>16 <b>A Yes, sir.</b></p> <p>17 Q And is that in the context of an attorney</p> <p>18 from felony review taking a handwritten statement?</p> <p>19 <b>A Yes, sir.</b></p> <p>20 Q And you recall, in those handwritten</p> <p>21 statements, there's typically an indication that</p> <p>22 the witness was provided the opportunity to review</p> <p>23 the statement and make changes if they desire to</p> <p>24 do so; is that correct?</p>	<p>184</p> <p>1 MR. CURRAN: I would assume he would know</p> <p>2 what his practice was, so your foundation</p> <p>3 objection is --</p> <p>4 MR. GRILL: I can --</p> <p>5 MR. CURRAN: -- frivolous.</p> <p>6 MR. GRILL: -- I can help you if you'd</p> <p>7 like.</p> <p>8 MR. CURRAN: No, that's okay.</p> <p>9 BY MR. CURRAN:</p> <p>10 Q Sir, do you understand the question?</p> <p>11 <b>A No, sir. Try again, please.</b></p> <p>12 Q Was it your practice to document, in your</p> <p>13 GPRs, that you allowed a witness to review the GPR</p> <p>14 in which you took notes pertaining to the</p> <p>15 statement that they gave you?</p> <p>16 MR. GRILL: Same objections.</p> <p>17 BY THE WITNESS:</p> <p>18 <b>A No.</b></p> <p>19 BY MR. CURRAN:</p> <p>20 Q Why not?</p> <p>21 <b>A Because it wasn't my practice and, to the</b></p> <p>22 <b>best of my knowledge, it wasn't required.</b></p> <p>23 Q Okay.</p> <p>24 MR. CURRAN: I don't have anything else.</p>



Transcript of Thomas Kelly  
Conducted on July 14, 2020

47 (185 to 188)

<p>185</p> <p>1 MR. GRILL: I've got one question -- well,</p> <p>2 assuming it doesn't lead to other stuff.</p> <p>3 FURTHER EXAMINATION</p> <p>4 BY MR. GRILL:</p> <p>5 Q Detective Kelly, when you were at Area 1</p> <p>6 in April and you were speaking with Mr. Coleman,</p> <p>7 did you know what the name of the victim was at</p> <p>8 the time you spoke with Mr. Coleman?</p> <p>9 A No, I did not.</p> <p>10 Q How do you know that?</p> <p>11 MR. CURRAN: If I could insert an</p> <p>12 objection: Foundation, calls for speculation,</p> <p>13 given that the witness has already testified he</p> <p>14 can't remember anything.</p> <p>15 MR. GRILL: Thanks for the speaking</p> <p>16 objection.</p> <p>17 MR. CURRAN: Go ahead.</p> <p>18 BY MR. GRILL:</p> <p>19 Q How do you know that?</p> <p>20 A At the top of the GPR, where Mr. Coleman's</p> <p>21 interview is, there's a box for the victim's name</p> <p>22 to be inserted.</p> <p>23 Q And what's in that box in your GPR?</p> <p>24 A Nothing.</p>	<p>187</p> <p>1 (Off the record at 2:39 p.m.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p>186</p> <p>1 MR. GRILL: I have nothing else.</p> <p>2 MR. AINSWORTH: Sounds like speculation to</p> <p>3 me.</p> <p>4 I don't have any further questions.</p> <p>5 Nothing else.</p> <p>6 MR. GRILL: I don't know -- I don't know</p> <p>7 how it's speculation when he's referring --</p> <p>8 referencing to an actual piece of a report, but we</p> <p>9 can all argue about it later.</p> <p>10 Anybody else?</p> <p>11 MR. CURRAN: No.</p> <p>12 MR. ADELMAN: No.</p> <p>13 MS. MEADOR: No.</p> <p>14 MR. ADELMAN: No, nothing else.</p> <p>15 MR. GRILL: Okay. We're going to reserve</p> <p>16 signature on this. And thanks.</p> <p>17 And then, Russell, you'll send over the</p> <p>18 copy of the video?</p> <p>19 MR. AINSWORTH: Yes.</p> <p>20 Anybody who wants a copy of the video,</p> <p>21 just let me know, and I'll send it to everybody.</p> <p>22 MR. ADELMAN: Yeah, you may as well send</p> <p>23 it to everyone.</p> <p>24 MR. AINSWORTH: Okay.</p>	<p>188</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3 I, THOMAS KELLY, do hereby acknowledge</p> <p>4 that I have read and examined the foregoing</p> <p>5 testimony and the same is a true, correct, and</p> <p>6 complete transcription of the testimony given by</p> <p>7 me and any corrections appear on the attached</p> <p>8 errata sheet signed by me.</p> <p>9</p> <p>10</p> <p>11</p> <p>12 _____</p> <p>13 (DATE) (SIGNATURE)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

Transcript of Thomas Kelly  
Conducted on July 14, 2020

48 (189 to 192)

189

## 1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2  
3 I, Lucia R. Block, Certified Shorthand  
4 Reporter No. 084-003160, CSR, and a Notary Public  
5 in and for the County of Cook, State of Illinois,  
6 the officer before whom the foregoing deposition  
7 was taken, do hereby certify that the foregoing  
8 transcript is a true and correct record of the  
9 testimony given; that said testimony was taken by  
10 me and thereafter reduced to typewriting under my  
11 direction; that reading and signing was requested  
12 and that I am neither counsel for, related to, nor  
13 employed by any of the parties to this case and  
14 have no interest, financial or otherwise, in its  
15 outcome.

16 IN WITNESS WHEREOF, I have hereunto set my  
17 hand and affixed my notarial seal this 28th day of  
18 July, 2020.  
19 My commission expires May 31, 2021.

20  
21 *Lucia Block*  
22 \_\_\_\_\_

23 LUCIA R. BLOCK

24 NOTARY PUBLIC IN AND FOR ILLINOIS

Transcript of Thomas Kelly  
Conducted on July 14, 2020

49

A			
<b>aberdeen</b> 3:13 <b>aberration</b> 61:12 <b>ability</b> 11:7, 12:10, 12:16, 54:5, 88:7, 88:11, 162:12 <b>able</b> 18:21, 82:14, 105:16, 112:12, 168:18 <b>about</b> 8:10, 15:8, 17:15, 20:6, 20:21, 30:2, 30:4, 30:12, 37:15, 45:5, 45:7, 49:16, 51:8, 51:18, 60:3, 60:14, 60:16, 64:12, 64:16, 66:19, 69:2, 69:9, 69:12, 69:16, 71:2, 71:19, 72:6, 72:21, 73:1, 74:4, 74:8, 75:7, 75:9, 75:16, 75:23, 75:24, 76:13, 77:8, 77:12, 77:14, 77:18, 77:24, 80:11, 80:12, 80:20, 81:1, 81:7, 81:14, 83:9, 84:6, 84:16, 84:22, 88:6, 88:20, 89:17, 89:20, 90:2, 90:4, 90:9, 91:8, 101:17, 102:1, 108:2, 109:3,	109:4, 109:12, 109:21, 113:7, 117:11, 119:14, 120:7, 121:4, 121:19, 138:21, 142:13, 143:2, 143:3, 146:23, 147:10, 148:5, 152:17, 154:10, 155:11, 155:12, 155:13, 156:13, 159:22, 161:2, 161:4, 169:7, 169:9, 170:19, 171:14, 186:9 <b>above</b> 120:20 <b>absence</b> 85:21 <b>absolutely</b> 148:14, 154:7 <b>absurd</b> 135:3 <b>abuse</b> 164:23 <b>academy</b> 16:9, 16:22, 16:23, 19:6, 19:8, 19:10, 19:13, 19:16, 19:19, 36:3, 37:3, 37:9, 37:13, 46:10, 49:1 <b>acceptable</b> 134:10, 136:7 <b>access</b> 138:6, 138:7 <b>accident</b> 166:12 <b>accidents</b> 25:6 <b>accommodate</b> 11:21 <b>according</b> 121:11, 121:21, 122:13, 149:13 <b>account</b> 8:13, 8:19,	148:2 <b>accrue</b> 16:17 <b>accuracy</b> 98:9, 98:14 <b>accurate</b> 44:21, 58:14, 58:23, 58:24, 59:14, 72:2, 72:8, 97:23, 170:1, 175:5 <b>accurately</b> 11:8, 12:11, 12:17, 88:8 <b>accusation</b> 166:17 <b>accused</b> 149:18 <b>achieve</b> 151:4 <b>acknow</b> 38:23 <b>acknowledge</b> 6:5, 188:3 <b>acknowledged</b> 38:23 <b>acknowledgment</b> 188:1 <b>acted</b> 39:15 <b>action</b> 151:3 <b>activities</b> 30:12 <b>activity</b> 163:18, 176:21 <b>actual</b> 161:10, 186:8 <b>actually</b> 87:15, 87:21, 102:10, 102:23, 122:13, 127:13, 131:8, 134:2, 165:23, 175:4, 177:19, 179:12, 179:21, 180:1, 180:21 <b>add</b> 175:13, 175:21	<b>addition</b> 173:24, 176:13 <b>additional</b> 116:8 <b>address</b> 105:3 <b>addresses</b> 164:6 <b>addressing</b> 55:11 <b>adelman</b> 4:12, 5:6, 6:18, 43:10, 43:16, 43:18, 44:15, 114:17, 123:10, 124:6, 124:22, 125:13, 126:21, 127:2, 128:15, 140:16, 140:24, 163:6, 168:12, 177:3, 177:5, 177:8, 177:10, 177:12, 179:2, 186:12, 186:14, 186:22 <b>adjudicated</b> 153:6 <b>administered</b> 166:5 <b>administrative</b> 15:16 <b>admissibility</b> 6:7, 133:18 <b>admissible</b> 167:11 <b>admit</b> 40:10 <b>advanced</b> 14:1 <b>advise</b> 15:9 <b>advised</b> 172:17 <b>affect</b> 11:7, 12:16, 88:11 <b>affecting</b> 12:10

Transcript of Thomas Kelly  
Conducted on July 14, 2020

50

<b>affects</b> 88:7 <b>affirm</b> 8:22 <b>affirmed</b> 8:24 <b>affix</b> 156:19 <b>affixed</b> 189:17 <b>afraid</b> 30:5 <b>after</b> 11:11, 11:13, 14:1, 14:4, 16:11, 16:23, 17:10, 20:14, 26:4, 33:14, 33:19, 38:19, 38:22, 61:24, 93:14, 107:15, 120:14, 142:5, 153:7, 161:13, 161:17, 168:13, 175:8, 181:7 <b>afternoon</b> 31:3, 32:9 <b>afternoons</b> 30:18, 30:20, 33:12, 88:23 <b>afternoons"</b> 104:12 <b>afterwards</b> 17:1 <b>again</b> 18:22, 21:1, 26:24, 28:17, 33:18, 37:17, 52:10, 67:19, 75:9, 81:9, 81:18, 113:2, 128:5, 141:20, 143:1, 144:15, 147:6, 179:17, 184:11 <b>against</b> 22:23, 150:3, 151:1, 152:18,	152:24, 154:6, 154:18, 167:22, 168:1, 168:5 <b>age</b> 35:23, 71:8, 151:21 <b>ago</b> 7:18, 80:3, 148:9 <b>ago"</b> 105:23 <b>agree</b> 6:13, 6:15, 6:17, 6:19, 6:21, 41:24, 135:12, 165:1 <b>agreed</b> 8:22, 61:24 <b>agreeing</b> 133:4 <b>agreement</b> 8:4, 8:14, 9:2, 9:5 <b>ahead</b> 9:3, 9:17, 29:12, 29:13, 35:17, 36:21, 39:24, 40:16, 42:4, 45:22, 49:2, 49:3, 57:3, 59:4, 69:20, 70:7, 83:17, 109:1, 116:23, 118:2, 126:22, 128:21, 160:17, 165:9, 168:12, 168:23, 180:9, 183:21, 185:17 <b>aid</b> 36:16 <b>ainsworth's</b> 169:17 <b>air</b> 155:20 <b>al</b> 1:10, 2:7, 3:17, 4:4,	75:16, 78:12, 81:7, 164:11, 164:15, 164:18 <b>alert</b> 11:21 <b>all-day</b> 48:24, 49:4 <b>allegation</b> 22:15, 25:10, 25:12, 150:1 <b>allegations</b> 150:3, 151:1, 154:2, 154:5 <b>alleged</b> 155:10 <b>alleging</b> 155:19, 155:24, 156:4 <b>allen</b> 149:20 <b>alley</b> 120:11, 121:13 <b>allow</b> 86:15 <b>allowed</b> 136:6, 136:12, 156:2, 183:15, 184:13 <b>almost</b> 26:1, 86:7 <b>alone</b> 85:24 <b>along</b> 115:13, 122:21, 174:17 <b>already</b> 54:4, 134:12, 185:13 <b>also</b> 18:8, 19:15, 21:10, 32:13, 39:3, 42:6, 43:11, 65:22, 120:16, 151:2, 152:19, 170:4, 178:21, 179:1 <b>although</b> 115:22, 181:4,	181:8 <b>always</b> 36:23, 92:22 <b>amend</b> 145:9 <b>amount</b> 19:9, 31:10, 31:11 <b>anal</b> 120:17, 123:1 <b>andrew</b> 3:18, 59:4, 69:20, 183:18 <b>another</b> 24:16, 49:20, 50:7, 50:9, 56:16, 85:21, 91:14, 107:4, 123:19, 143:21, 144:21, 149:8, 168:4 <b>answer</b> 10:1, 10:12, 10:15, 11:1, 11:24, 23:13, 34:10, 35:18, 36:6, 36:20, 38:11, 39:1, 39:2, 40:16, 42:4, 46:5, 49:22, 50:2, 50:20, 51:3, 54:14, 59:10, 66:19, 66:20, 76:24, 120:2, 123:13, 125:2, 126:2, 126:11, 127:4, 127:19, 129:6, 129:14, 130:5, 131:3, 131:6, 131:8, 132:4, 132:21, 132:22, 133:20, 133:24, 134:2, 134:8, 135:5, 136:17, 137:6, 140:18, 142:3, 142:4, 142:9,
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Transcript of Thomas Kelly  
Conducted on July 14, 2020

51

<p>142:24, 143:4, 144:14, 145:17, 147:20, 162:14, 164:1, 165:10, 173:8 <b>answered</b> 52:19, 54:4, 54:12, 56:11, 128:23, 129:5, 129:11, 129:20, 129:21, 130:15, 130:17, 131:4, 131:15, 131:23, 132:17, 133:7, 133:12, 133:21, 134:4, 134:12, 143:9, 170:4 <b>answering</b> 55:17 <b>answers</b> 8:2, 131:1, 132:16, 135:13, 145:8 <b>antwinica</b> 66:12, 68:15, 84:18, 119:15, 148:17, 148:21, 148:24, 159:18, 159:22, 160:5, 176:22 <b>anybody</b> 157:18, 157:19, 177:2, 186:10, 186:20 <b>anymore</b> 153:8 <b>anyone</b> 9:18, 12:6, 29:3, 29:7, 29:9, 67:1, 67:11, 69:1, 83:6, 85:9, 85:18, 92:4, 92:24, 114:16, 138:6, 152:2 <b>anything</b> 9:13, 9:19, 12:22, 30:2,</p>	<p>51:4, 66:18, 66:20, 89:17, 90:2, 119:14, 125:17, 129:24, 136:13, 141:17, 146:1, 146:22, 151:20, 159:21, 161:1, 161:4, 173:21, 175:2, 175:13, 175:20, 184:24, 185:14 <b>anyway</b> 24:21, 52:8 <b>apart</b> 22:24, 23:21, 69:1, 114:9 <b>apartment</b> 120:19 <b>apologies</b> 74:19, 116:14, 150:21 <b>apparent</b> 65:19, 65:20 <b>apparently</b> 24:7, 136:10 <b>appear</b> 49:9, 82:21, 82:22, 188:7 <b>appearance</b> 71:1, 71:22, 73:24, 74:7, 75:8, 75:17, 75:22, 76:4, 111:14, 161:2, 161:5 <b>appearing</b> 54:8 <b>appears</b> 63:1, 82:18, 84:7, 104:15, 107:8, 141:17 <b>applied</b> 17:19 <b>apply</b> 21:3, 136:10 <b>appointment</b> 53:12 <b>appreciate</b> 10:7, 93:17</p>	<p><b>approach</b> 167:5 <b>appropriate</b> 99:6 <b>approximate</b> 162:20 <b>approximately</b> 14:3, 75:14 <b>april</b> 88:19, 88:22, 89:18, 91:3, 99:17, 104:3, 104:8, 121:15, 146:13, 162:3, 162:11, 163:19, 170:23, 174:10, 185:6 <b>area</b> 18:5, 20:15, 20:16, 21:4, 21:8, 21:18, 21:23, 22:9, 26:8, 26:16, 26:17, 26:20, 27:1, 28:8, 28:9, 28:12, 28:14, 28:19, 28:21, 28:24, 29:14, 31:6, 32:23, 33:3, 33:22, 34:4, 34:16, 35:2, 35:4, 38:6, 64:10, 65:3, 70:23, 73:2, 74:13, 74:22, 84:5, 87:1, 87:4, 87:8, 91:15, 126:9, 126:16, 127:12, 138:4, 155:17, 155:20, 156:9, 156:15, 157:24, 158:12, 160:23, 161:19, 163:4, 163:12, 164:23, 170:23, 171:21, 171:22, 172:3,</p>	<p>185:5 <b>areas</b> 20:17 <b>argue</b> 186:9 <b>arguing</b> 50:15, 51:12, 53:15 <b>argumentative</b> 49:19, 49:23, 50:24, 76:15, 76:22, 128:14, 128:21, 158:8, 180:8 <b>arm</b> 84:8 <b>army</b> 13:17, 14:18, 15:7, 17:11 <b>around</b> 24:20, 72:5, 92:19, 125:24, 149:23 <b>arrest</b> 38:13, 39:4, 41:11, 93:20, 94:3, 94:6, 94:9, 94:12, 94:14, 94:17, 94:19, 95:2, 95:5, 95:6, 95:18, 96:4, 96:14, 96:17, 97:3, 97:8, 97:9, 97:17, 97:20, 97:22, 98:3, 98:4, 98:6, 98:14, 116:9, 172:9 <b>arresting</b> 94:6, 94:15, 95:4, 96:9, 96:16, 97:9, 98:5, 98:16, 116:6, 116:8 <b>arrests</b> 36:14, 95:13 <b>arrive</b> 88:24, 89:10,</p>
---	---	---	---



Transcript of Thomas Kelly  
Conducted on July 14, 2020

52

89:11 <b>arrived</b> 64:10, 139:3 <b>arvn</b> 15:7, 15:11 <b>asa</b> 178:3, 178:10, 178:15, 178:20, 178:23 <b>asked</b> 23:23, 24:6, 25:2, 50:16, 50:23, 51:23, 52:19, 54:11, 56:10, 76:9, 92:1, 92:8, 101:22, 102:6, 102:14, 103:14, 106:3, 106:4, 119:6, 120:1, 129:4, 129:11, 129:20, 130:15, 130:16, 131:2, 131:15, 131:23, 135:5, 137:16, 169:6, 170:4, 171:8, 173:6, 174:16 <b>asking</b> 8:21, 8:23, 9:1, 37:18, 40:18, 53:24, 56:7, 92:5, 103:3, 105:6, 114:15, 124:11, 124:12, 124:13, 125:15, 127:21, 133:19, 135:13, 143:2, 143:3, 147:6, 147:9, 147:10, 152:7, 171:2 <b>asks</b> 133:15 <b>asserting</b> 50:20 <b>assigned</b> 14:5, 14:11,	18:4, 18:5, 19:19, 21:11, 21:18, 22:4, 25:5, 25:24, 26:11, 28:7, 29:15, 31:2, 31:7, 31:9, 32:5, 32:23, 32:24, 33:5, 33:7, 62:20, 66:4, 92:20, 93:6, 117:1, 161:23 <b>assignment</b> 13:23, 19:23, 21:21, 26:3, 26:7, 31:17, 31:18, 32:3, 92:23 <b>assignments</b> 21:16, 79:13 <b>assistance</b> 14:5, 15:4 <b>assistant</b> 15:17, 43:18, 77:20, 139:5, 139:14, 139:18, 140:9, 140:21, 141:7, 141:10, 162:20, 177:12, 177:14 <b>assisted</b> 94:10 <b>assisting</b> 94:12, 94:15, 94:20, 96:9, 96:15, 97:8, 98:5, 98:15 <b>assume</b> 11:1, 39:6, 67:7, 184:1 <b>assuming</b> 185:2 <b>attached</b> 5:12, 188:7 <b>attack</b> 157:19 <b>attempt</b> 103:5	<b>attend</b> 16:7, 19:6, 19:8, 79:20 <b>attending</b> 32:21 <b>attention</b> 46:24, 98:10 <b>attorney</b> 4:15, 43:19, 54:18, 55:18, 65:23, 77:20, 139:6, 139:15, 139:19, 140:9, 177:12, 177:14, 182:17 <b>attorney's</b> 4:10 <b>attorneys</b> 67:5, 67:6, 68:1, 69:2, 69:10, 140:21, 141:8, 141:11, 149:4, 160:9, 162:21, 163:3, 163:11 <b>audible</b> 9:20, 41:16 <b>audio</b> 134:14, 177:4, 182:1 <b>august</b> 14:16 <b>authenticity</b> 140:14 <b>authored</b> 170:6 <b>availability</b> 21:1, 32:14 <b>available</b> 64:21, 161:11 <b>average</b> 74:2 <b>awarded</b> 14:17, 14:18, 14:21, 14:23 <b>aware</b> 11:11, 11:14, 32:12, 36:23,	40:24, 178:2, 178:6 <b>away</b> 29:17, 121:5, 121:17, 122:7, 147:24 <hr/> <b>B</b> <hr/> <b>back</b> 25:1, 25:21, 26:6, 26:16, 33:21, 37:13, 44:3, 46:4, 56:19, 61:1, 63:1, 71:1, 71:9, 71:12, 71:22, 72:3, 72:10, 73:24, 74:7, 74:13, 76:4, 77:14, 78:9, 78:10, 82:18, 82:20, 94:2, 101:13, 106:8, 111:14, 125:18, 131:6, 132:20, 133:2, 133:4, 136:13, 142:13, 145:5, 148:10, 149:7, 149:24, 150:10, 156:9, 156:14, 160:19, 161:2, 161:8, 161:18, 162:3, 162:11, 163:19, 175:17, 179:23, 181:7, 183:13 <b>background</b> 137:2 <b>backgrounds</b> 102:13 <b>bad</b> 136:13, 142:16 <b>baloney</b> 70:5 <b>barber</b> 100:5, 100:7 <b>barraco's</b> 80:9
--	--	---	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

53

<b>bartender</b> 17:15 <b>base</b> 91:18 <b>based</b> 6:8, 27:14, 27:18, 102:19, 108:15, 123:21, 124:12, 124:14, 126:15, 137:17, 151:1, 151:18, 165:3, 165:17, 176:18 <b>basement</b> 106:4, 106:9, 120:13, 120:15, 121:14, 121:22, 121:23, 121:24, 122:20, 122:21 <b>basement"</b> 106:5 <b>basic</b> 13:21, 65:9 <b>basically</b> 15:16, 104:22, 174:18 <b>basing</b> 102:19 <b>basis</b> 79:4 <b>basket</b> 140:12 <b>bates</b> 47:2, 81:21, 98:24, 108:21, 109:6, 115:13, 146:7, 150:22 <b>bathroom</b> 99:5 <b>batteries</b> 106:12 <b>bear</b> 123:20 <b>beat</b> 26:13, 87:6 <b>became</b> 27:21, 120:18 <b>because</b> 7:19, 36:14,	41:19, 41:22, 42:23, 44:20, 47:19, 50:20, 51:3, 57:17, 60:1, 60:8, 66:22, 85:4, 85:15, 87:5, 87:17, 91:21, 93:7, 102:15, 102:17, 121:18, 126:6, 132:7, 132:8, 134:7, 136:21, 147:21, 147:23, 153:2, 153:22, 156:1, 166:24, 171:16, 172:16, 180:20, 184:21 <b>become</b> 27:2 <b>becomes</b> 121:17, 123:1 <b>bed</b> 13:8 <b>been</b> 7:2, 7:14, 7:19, 18:12, 19:12, 22:10, 26:8, 28:16, 45:1, 45:6, 45:15, 47:7, 47:10, 58:16, 59:21, 66:10, 68:18, 69:12, 79:18, 80:4, 80:19, 81:9, 81:11, 81:12, 90:14, 120:9, 131:1, 131:2, 135:5, 140:11, 144:1, 144:4, 144:8, 144:19, 151:6, 152:21, 154:14, 159:9, 161:11, 164:2, 164:22, 171:7, 171:20, 171:24, 172:3, 172:16,	173:20, 175:16, 176:3, 182:13, 182:14 <b>before</b> 2:16, 7:12, 7:15, 8:1, 8:4, 10:11, 10:16, 12:1, 13:8, 17:11, 22:1, 24:21, 31:11, 36:24, 47:9, 47:13, 47:17, 53:8, 90:12, 97:6, 97:23, 99:13, 121:10, 127:20, 143:5, 143:14, 150:10, 151:19, 159:10, 177:13, 189:6 <b>begin</b> 10:16, 89:4 <b>beginning</b> 10:11, 32:3 <b>behalf</b> 3:3, 3:9, 3:16, 4:3, 4:10, 6:12, 6:14, 6:16, 6:18, 6:20 <b>behind</b> 83:15, 106:10, 120:11, 121:13 <b>being</b> 8:18, 8:19, 16:12, 30:10, 57:13, 58:11, 61:5, 62:12, 69:13, 70:14, 70:15, 91:8, 138:13, 148:6, 149:18, 152:12, 155:16, 159:2 <b>belief</b> 91:19, 108:14 <b>believe</b> 19:11, 19:13, 20:6, 25:3, 25:20, 26:6, 26:21, 26:23,	33:15, 33:20, 34:12, 34:15, 46:9, 54:15, 57:18, 57:21, 58:3, 58:8, 59:24, 60:5, 74:2, 74:10, 74:15, 75:10, 75:21, 76:1, 77:17, 79:16, 79:19, 79:22, 80:3, 80:5, 80:9, 84:23, 87:6, 91:15, 91:18, 108:1, 108:6, 108:7, 118:14, 132:17, 144:16, 152:19, 152:20, 152:23, 155:9, 156:17, 169:10, 175:23, 176:2, 178:7, 179:17 <b>believed</b> 170:24 <b>bench</b> 156:17 <b>benches</b> 156:18 <b>benign</b> 142:16 <b>benjamin</b> 14:12 <b>benoit</b> 107:11 <b>best</b> 16:19, 24:7, 25:21, 35:1, 48:23, 54:4, 87:5, 152:22, 162:2, 164:5, 184:22 <b>better</b> 79:6, 79:12 <b>between</b> 80:10, 85:11, 146:20, 147:11, 148:1, 153:16,
---	---	--	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

54

178:15, 178:19 <b>bigger</b> 111:10 <b>bill</b> 16:13, 75:7, 75:22, 78:12, 78:13, 81:14, 83:17, 109:19, 161:4 <b>birth</b> 104:24 <b>bit</b> 20:7, 36:10, 41:5, 71:4, 73:15, 89:15, 170:10 <b>biên</b> 14:7, 14:8 <b>black</b> 74:11, 75:20, 76:7, 76:8, 76:20 <b>block</b> 1:24, 2:16, 189:3, 189:23 <b>blond</b> 71:7 <b>blondish</b> 75:10, 75:24 <b>bob</b> 154:19 <b>bodies</b> 90:11, 90:21 <b>body</b> 64:19, 90:15, 91:9, 94:16, 94:23, 95:2, 106:14, 142:6, 170:11 <b>booker</b> 154:2, 154:6 <b>boot</b> 13:20, 14:1 <b>both</b> 122:17, 123:4, 123:23, 128:4, 137:23, 149:14 <b>bottom</b> 107:9, 111:9,	112:11, 121:19 <b>boudreau</b> 70:20, 71:15, 78:11, 80:2, 81:3 <b>boudreau's</b> 80:18, 81:18 <b>boulevard</b> 90:22 <b>box</b> 107:12, 185:21, 185:23 <b>boyfriend</b> 143:10 <b>brady</b> 3:11 <b>break</b> 11:21, 12:1, 60:20, 99:5, 99:10, 101:11, 144:12, 144:23, 160:16 <b>breath</b> 11:15 <b>brian</b> 29:6 <b>bridgeman</b> 66:12, 68:15, 84:18, 119:15, 148:17, 148:21, 149:1, 159:22, 160:5, 176:23 <b>bridgeman's</b> 159:19 <b>brief</b> 48:6, 82:11, 112:14, 117:16, 181:12 <b>briefcase</b> 163:4 <b>briefly</b> 25:8, 161:7 <b>bring</b> 133:4, 168:14, 170:5 <b>bringing</b> 151:9 <b>brings</b> 123:18, 151:5	<b>brittany</b> 3:19 <b>broaden</b> 41:5 <b>broadly</b> 39:3 <b>broke</b> 101:16 <b>bronze</b> 14:21, 14:23 <b>brother</b> 106:22, 107:4 <b>brought</b> 87:6, 154:6, 154:18 <b>brown</b> 72:11, 75:20 <b>brownish</b> 73:17, 77:16, 111:16 <b>buddies</b> 69:16 <b>build</b> 74:2, 74:9, 75:9, 75:12, 77:10, 111:21, 111:23 <b>building</b> 28:15 <b>bunch</b> 70:5, 169:7 <b>butterfield</b> 3:6 <b>bypass</b> 11:9 <hr/> <b>C</b> <hr/> <b>california</b> 80:10, 138:22 <b>call</b> 27:24, 28:1, 48:23, 50:13, 76:12, 138:17, 139:1 <b>called</b> 7:2, 25:7, 27:24, 64:23, 76:19, 79:17,	104:12, 106:18, 153:22 <b>calls</b> 10:1, 42:3, 123:8, 124:3, 124:19, 125:8, 125:20, 133:11, 165:7, 173:2, 173:12, 185:12 <b>came</b> 25:7, 92:24, 157:19, 170:19 <b>camera</b> 82:19, 82:21 <b>camp</b> 13:20, 14:1 <b>can't</b> 17:1, 72:23, 83:12, 83:24, 84:4, 84:5, 90:18, 125:19, 134:5, 134:8, 135:23, 136:1, 136:2, 146:22, 147:12, 147:24, 148:9, 169:10, 170:2, 179:7, 180:19, 185:14 <b>cannot</b> 50:11, 50:14 <b>cap</b> 83:9 <b>caption</b> 1:13, 2:1 <b>car</b> 20:9, 20:18, 20:22, 21:2, 24:22, 25:1, 25:7, 25:13, 26:14, 66:9, 92:24, 149:22 <b>card</b> 138:11, 149:24, 153:21 <b>cards</b> 138:14 <b>care</b> 21:9, 21:12,
---	---	---	--

Transcript of Thomas Kelly  
Conducted on July 14, 2020

55

30:6, 128:11, 128:17, 130:10, 130:13, 131:19, 131:22, 137:3, 137:9, 165:13 <b>career</b> 38:6, 90:13, 143:4, 143:7, 162:19 <b>carroll</b> 77:12, 78:13, 81:16, 82:22 <b>cars</b> 25:4 <b>case</b> 1:9, 2:5, 65:11, 68:15, 68:16, 68:18, 68:20, 68:23, 69:5, 69:12, 70:18, 92:21, 117:1, 138:19, 139:4, 139:11, 148:13, 149:5, 149:15, 154:22, 155:8, 164:4, 164:19, 165:4, 165:18, 173:6, 174:11, 175:12, 175:24, 189:13 <b>cases</b> 78:2, 177:23 <b>casual</b> 20:24 <b>cat</b> 106:5 <b>catalogued</b> 169:20 <b>categories</b> 64:13 <b>catholic</b> 16:3 <b>cecilia</b> 106:22 <b>certain</b> 45:4, 58:22, 64:20, 88:2 <b>certainly</b> 23:13, 46:6,	55:20, 57:6, 60:8, 60:21, 62:12, 63:18, 95:9 <b>certainty</b> 83:21 <b>certificate</b> 17:7, 189:1 <b>certified</b> 2:17, 189:3 <b>certify</b> 132:20, 189:7 <b>certifying</b> 133:5 <b>cetera</b> 64:14, 66:2 <b>chairs</b> 87:8, 87:16 <b>change</b> 89:9, 167:5 <b>changed</b> 26:8, 26:24 <b>changes</b> 182:23 <b>changing</b> 89:12 <b>channel</b> 148:8 <b>character</b> 134:18, 135:3 <b>characterize</b> 183:19 <b>charges</b> 116:11 <b>charles</b> 154:2, 154:6 <b>chase</b> 44:23 <b>check</b> 106:4, 138:15 <b>chest</b> 11:16 <b>chicago</b> 1:9, 2:6, 3:14, 3:16, 3:22, 4:3, 4:8, 4:17, 17:12, 17:20, 18:8, 19:3,	22:14, 23:17, 44:7, 45:11, 57:14, 58:10, 58:11, 58:15, 59:13, 59:14, 60:4, 60:5, 61:5, 90:13, 123:22, 143:7, 143:18, 143:19, 143:21, 144:2, 155:4 <b>chicago's</b> 58:3 <b>children</b> 18:15, 18:17, 18:23 <b>chip</b> 120:10, 120:12, 120:16, 121:4, 121:12, 121:16, 121:21, 122:2, 122:4 <b>choice</b> 29:19 <b>cholesterol</b> 13:7 <b>chunky</b> 71:2, 75:20, 75:24, 77:15 <b>circle</b> 83:15 <b>circumstances</b> 103:3, 103:10 <b>city</b> 2:6, 4:3, 6:20, 23:17, 47:3, 47:5, 47:6, 53:2, 53:18, 58:3, 58:9, 81:22, 150:22, 150:23, 155:4, 177:7 <b>civilian</b> 25:14 <b>claim</b> 153:20, 166:6, 166:13 <b>claiming</b> 53:21	<b>claims</b> 164:23 <b>clancy</b> 73:23, 78:11, 78:12, 80:20, 107:22, 107:24, 108:4, 108:7, 108:11 <b>clancy's</b> 93:19, 109:10, 161:2 <b>clarification</b> 23:2, 34:7, 39:22, 47:13, 57:10, 59:3, 94:24, 98:11, 126:23, 134:24, 136:9, 145:16, 182:2 <b>clarify</b> 12:24, 26:22, 41:18, 78:18, 115:3 <b>clarifying</b> 47:21 <b>clark</b> 3:21 <b>classes</b> 46:11 <b>clear</b> 51:8, 60:17, 102:8, 114:22, 115:17, 134:13, 161:20 <b>clearly</b> 134:22 <b>clerk</b> 15:16 <b>clipboard</b> 84:8 <b>clothing</b> 20:24 <b>coaching</b> 136:1 <b>coat</b> 83:18, 84:2 <b>coerced</b> 155:10
---	---	---	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

56

<b>cohort</b> 19:14 <b>cold</b> 155:21 <b>coleman</b> 2:3, 3:9, 6:13, 68:7, 84:16, 84:24, 85:2, 85:4, 85:8, 85:12, 85:23, 86:11, 86:19, 87:6, 87:15, 87:22, 88:20, 91:3, 91:8, 91:13, 92:2, 92:5, 92:9, 93:7, 93:21, 101:1, 101:7, 101:22, 102:2, 102:6, 104:23, 106:22, 106:23, 107:4, 107:5, 115:18, 116:9, 116:11, 116:12, 117:13, 119:18, 120:8, 121:1, 121:11, 122:2, 122:5, 122:18, 123:5, 123:23, 126:9, 126:14, 127:12, 127:14, 141:15, 141:16, 142:2, 146:13, 146:21, 148:6, 148:10, 148:16, 163:24, 170:22, 170:23, 170:24, 171:9, 171:11, 171:19, 172:9, 172:12, 173:7, 174:22, 175:3, 175:7, 175:12, 175:17, 176:14, 178:2, 178:12, 178:16, 178:24, 179:7, 179:22, 181:7, 181:16, 185:6, 185:8	<b>coleman's</b> 100:18, 159:13, 185:20 <b>collar</b> 82:23 <b>collect</b> 64:3 <b>collection</b> 63:21 <b>college</b> 16:3, 16:10, 16:13, 16:16, 16:17, 16:19 <b>color</b> 71:5, 72:9 <b>come</b> 132:20, 133:2, 138:18, 139:1 <b>comfort</b> 88:4 <b>coming</b> 24:18, 93:2, 123:17, 137:2 <b>comiskey</b> 105:6, 105:10 <b>command</b> 14:5, 15:5 <b>commendation</b> 66:8 <b>commendations</b> 14:17 <b>commission</b> 189:19 <b>committing</b> 39:9 <b>common</b> 45:16, 55:10, 55:14, 174:6, 179:10 <b>communicate</b> 57:17 <b>compare</b> 42:15 <b>compensated</b> 32:17 <b>complainant</b> 24:3, 24:5 <b>complete</b> 170:1, 188:6	<b>completely</b> 50:11 <b>completion</b> 19:18, 28:6, 31:24 <b>compound</b> 40:15 <b>comprised</b> 15:5 <b>compulsory</b> 16:10 <b>computer</b> 161:11 <b>con</b> 8:24 <b>concern</b> 12:13 <b>concerning</b> 84:17, 163:22, 164:19, 164:23 <b>conclusion</b> 38:22, 175:10 <b>condition</b> 11:5, 11:7, 12:15 <b>conditioning</b> 155:20 <b>conduct</b> 15:12, 38:9, 40:12, 45:12, 87:18, 87:20, 151:3 <b>conducted</b> 1:16, 2:11, 30:13, 85:23, 87:12, 172:6 <b>conducting</b> 85:19, 149:4, 167:6, 174:11 <b>confession</b> 43:4, 43:5, 121:7, 122:12, 140:2, 140:8, 155:8, 155:13 <b>confessions</b> 41:1 <b>confidential</b> 152:2, 152:6, 152:11, 152:13	<b>confirm</b> 105:15 <b>conformed</b> 157:24 <b>confront</b> 40:10, 62:13, 62:14 <b>congratulations</b> 18:14 <b>connection</b> 166:6 <b>connelly</b> 3:20 <b>constantly</b> 41:8 <b>construction</b> 17:13 <b>cont</b> 150:3 <b>contact</b> 54:20, 54:23, 55:5, 55:11, 65:17, 66:1, 66:4, 105:5, 149:24, 153:20 <b>contacted</b> 149:3, 163:21 <b>contains</b> 43:5 <b>contem</b> 180:2 <b>contemporane</b> 180:5 <b>contemporaneously</b> 174:21, 179:23, 180:11, 180:20, 181:1 <b>contents</b> 126:15 <b>context</b> 182:17 <b>continue</b> 101:11, 145:22 <b>continued</b> 1:13, 2:1, 4:1 <b>continuing</b> 58:13
---	---	--	--



Transcript of Thomas Kelly  
Conducted on July 14, 2020

57

<b>control</b> 168:23 <b>controlled</b> 8:20 <b>conversation</b> 84:15, 84:24, 85:1, 85:7, 85:11, 85:14, 86:3, 86:11, 87:2, 87:22, 88:20, 90:6, 119:18, 146:12, 171:11, 171:21, 179:7, 179:9, 179:21, 180:15 <b>conviction</b> 70:14, 163:21, 164:3 <b>cook</b> 4:10, 4:14, 189:5 <b>cooperative</b> 141:21 <b>copies</b> 141:8, 141:11 <b>copulating</b> 120:16, 121:15, 122:1, 122:23 <b>copy</b> 186:18, 186:20 <b>corner</b> 107:9, 111:9, 112:11, 151:15 <b>correct</b> 9:4, 13:13, 15:20, 17:8, 17:9, 19:4, 22:21, 35:23, 43:1, 43:2, 56:2, 56:5, 56:9, 56:13, 57:15, 62:3, 62:17, 67:9, 67:10, 85:19, 85:24, 86:17, 86:18, 87:23, 92:3, 97:20, 97:23, 98:18,	100:22, 104:9, 105:3, 105:23, 106:6, 114:14, 115:5, 119:10, 120:5, 126:17, 141:5, 143:16, 145:10, 147:22, 149:9, 151:17, 153:8, 155:10, 158:2, 162:18, 166:7, 166:17, 166:18, 166:20, 169:9, 175:18, 175:20, 176:16, 178:21, 179:1, 179:9, 181:1, 181:8, 181:9, 181:16, 181:23, 182:24, 183:5, 188:5, 189:8 <b>corrections</b> 188:7 <b>correctly</b> 105:19, 106:15, 106:19, 107:1, 107:6 <b>could</b> 12:24, 23:11, 24:11, 24:21, 25:20, 31:9, 34:16, 39:1, 43:22, 44:3, 46:4, 56:19, 59:11, 62:12, 66:1, 66:2, 84:9, 99:6, 107:21, 117:17, 125:2, 132:14, 132:19, 132:21, 138:6, 142:15, 142:17, 151:19, 156:23, 162:17, 163:12, 177:21, 185:11 <b>couldn't</b> 24:9, 106:9 <b>counsel</b> 6:2, 6:6, 47:7,	55:19, 66:23, 69:6, 69:8, 114:14, 189:12 <b>county</b> 4:10, 4:14, 6:18, 189:5 <b>couple</b> 16:23, 16:24, 33:22, 80:3, 81:9, 148:9, 166:2, 168:10 <b>course</b> 48:24, 123:5, 124:1, 162:19, 163:1, 165:16 <b>courses</b> 16:10 <b>court</b> 1:1, 8:20, 10:17, 30:22, 32:14, 32:17, 32:18, 32:20, 32:21, 49:6, 49:10, 52:18, 131:5, 159:3, 167:11, 189:1 <b>courtesy</b> 55:14 <b>courtroom</b> 48:11, 48:16, 48:20, 52:13, 52:15, 56:17, 57:22 <b>cover</b> 142:18 <b>create</b> 153:20 <b>created</b> 27:14, 88:19, 103:21, 107:15, 141:16 <b>creates</b> 133:18 <b>creating</b> 149:24 <b>credibility</b> 48:12, 49:6, 52:2, 52:13,	52:15, 56:17, 57:22 <b>credible</b> 49:10, 52:1, 52:18, 54:8, 56:1, 56:4, 56:6, 56:8 <b>credit</b> 95:5, 95:9, 95:18 <b>credited</b> 22:20, 25:14 <b>credits</b> 16:17 <b>crew</b> 105:7 <b>crime</b> 21:14, 21:15, 39:9, 42:17, 44:10, 44:12, 45:5, 45:7, 62:19, 63:14, 63:19, 65:15, 66:4, 66:5, 120:20, 142:19, 171:1 <b>crimes</b> 28:8, 28:10, 28:13, 28:21, 31:1, 35:4, 63:17, 64:7, 64:11, 65:6, 120:5, 128:10 <b>criminal</b> 100:4, 100:7, 100:18, 100:24, 101:6, 101:18, 101:21, 101:24, 102:4, 102:12, 102:15, 102:24, 103:4, 103:6, 103:10, 103:17, 119:21, 127:24, 161:8, 162:5, 162:8, 162:9, 162:12, 172:22, 176:16 <b>crosstalk</b> 113:5, 134:14
--	--	--	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

58

<b>crosswalk</b> 136:8	106:1, 116:9, 151:7, 188:13	<b>decomposing</b> 90:11, 90:15, 90:21	<b>depending</b> 89:15
<b>csr</b> 1:24, 189:4	<b>dated</b> 104:3, 104:8	<b>defendant</b> 3:16, 4:3, 6:16	<b>deponent</b> 132:15, 132:17, 132:21, 134:2, 134:23, 135:3, 188:1
<b>curious</b> 122:17	<b>david</b> 4:12, 43:16, 177:12	<b>defendants</b> 1:11, 2:8, 6:19, 69:5, 69:10, 69:12, 79:21, 164:7, 164:10, 164:13	<b>deposed</b> 7:14, 7:17
<b>curran</b> 3:4, 5:4, 5:8, 6:14, 132:14, 133:1, 133:8, 133:14, 134:1, 134:19, 134:21, 135:1, 135:8, 160:11, 160:12, 163:9, 163:16, 165:8, 165:14, 165:22, 166:1, 167:17, 170:4, 173:2, 173:12, 174:4, 181:12, 181:14, 182:3, 182:7, 183:12, 183:18, 183:20, 184:1, 184:5, 184:8, 184:9, 184:19, 184:24, 185:11, 185:17, 186:11	<b>davis</b> 109:7	<b>defense</b> 55:19	<b>deposition</b> 1:15, 2:11, 5:14, 7:11, 8:11, 8:13, 8:16, 11:20, 46:14, 50:12, 50:13, 66:16, 67:2, 68:2, 68:5, 69:2, 88:1, 117:12, 127:10, 133:16, 135:11, 142:14, 145:9, 145:22, 152:10, 176:4, 176:20, 176:21, 189:6
<b>dawned</b> 16:12	<b>dawned</b> 16:12	<b>definitively</b> 179:8	<b>deprive</b> 155:21
<b>day</b> 25:12, 26:2, 48:15, 59:22, 80:6, 89:22, 92:16, 142:16, 143:11, 189:17	<b>days</b> 25:4, 25:18, 27:16, 29:16, 29:17, 29:20, 29:23, 29:24, 30:1, 30:2, 30:4, 30:8, 30:15, 48:12, 48:19, 52:12, 52:16, 52:24, 71:3, 90:3, 105:23, 149:7, 149:14	<b>degree</b> 17:4, 17:6, 83:23	<b>deprived</b> 156:5
<b>demarco</b> 149:15, 153:11, 153:16, 153:21	<b>dead</b> 106:5	<b>demeanor</b> 48:12, 48:17, 48:20, 52:8, 52:13, 52:15, 56:17, 57:22	<b>derrell</b> 1:5, 3:3, 115:18, 121:21, 123:4, 123:23, 148:6, 148:20, 159:15, 160:13, 163:22, 178:3, 178:12, 178:19, 178:24
<b>denial</b> 22:21	<b>dealt</b> 21:17	<b>denote</b> 31:20	<b>describe</b> 70:24, 73:12, 73:23, 74:7, 76:3, 76:9, 76:12, 77:13, 111:13, 156:8, 161:7
<b>dep</b> 47:9, 47:13, 47:17, 47:24, 145:12	<b>decade</b> 73:10	<b>department</b> 16:12, 17:12, 17:20, 18:8, 19:3, 22:11, 22:14, 28:16, 37:2, 45:11, 53:7, 54:16, 57:14, 58:10, 66:9, 80:7, 140:4, 143:19, 144:2, 151:5, 157:3	<b>described</b> 22:1, 77:1, 112:1, 116:1,
<b>department's</b> 60:6, 151:4	<b>deceased</b> 91:7		
	<b>deceive</b> 42:10, 42:20		
	<b>december</b> 14:4, 151:14		
	<b>deceptive</b> 167:14		
	<b>deciders</b> 55:21		
	<b>decision</b> 8:17		
<b>derrell</b> 122:18			
<b>darryl</b> 1:6			
<b>date</b> 53:12, 104:24,			
<b>D</b>			
<b>dap</b> 120:10, 120:12, 120:17, 121:4, 121:12, 121:16			
<b>dark</b> 72:11, 74:2, 74:10, 82:23			

Transcript of Thomas Kelly  
Conducted on July 14, 2020

59

117:10, 174:12 <b>describes</b> 116:12 <b>describing</b> 174:19 <b>description</b> 65:21, 72:1, 72:2, 75:13, 77:13 <b>designated</b> 152:11 <b>designating</b> 152:13 <b>desire</b> 21:6, 21:7, 182:23 <b>detail</b> 121:6 <b>detailed</b> 65:16, 66:6 <b>details</b> 44:11 <b>detained</b> 156:23 <b>detective</b> 27:6, 27:12, 27:21, 27:22, 28:1, 28:4, 28:6, 37:11, 37:15, 37:23, 38:3, 41:1, 41:8, 42:13, 44:8, 61:21, 63:3, 86:9, 90:14, 91:14, 92:8, 92:19, 93:6, 94:2, 98:2, 99:24, 101:21, 122:16, 123:3, 123:22, 125:7, 128:10, 137:18, 137:21, 149:19, 149:20, 153:11, 160:20, 165:2, 165:17, 167:7, 168:4, 169:5, 170:6, 170:17, 172:4,	177:11, 182:5, 182:10, 185:5 <b>detective's</b> 137:15 <b>detectives</b> 28:17, 28:20, 37:22, 70:12, 92:20, 111:24, 149:19, 149:22, 153:16, 157:23, 160:22 <b>determine</b> 42:17, 43:5, 92:19, 94:5 <b>dial</b> 138:22 <b>different</b> 41:23, 41:24, 48:19, 52:10, 52:11, 52:12, 52:15, 65:14, 101:18, 105:17, 142:23 <b>differently</b> 63:14, 63:17, 64:6, 65:5, 93:15 <b>difficulties</b> 12:3, 12:7, 23:1 <b>direct</b> 46:23 <b>directed</b> 171:7 <b>directing</b> 50:19, 51:2 <b>direction</b> 189:11 <b>directive</b> 150:5 <b>directly</b> 24:18 <b>disagree</b> 133:8 <b>disagreeing</b> 9:15 <b>discharge</b> 15:19, 15:22	<b>discharged</b> 14:14, 17:10 <b>disciplined</b> 144:1 <b>discovered</b> 89:22, 90:9 <b>discovery</b> 91:7, 91:9, 125:15 <b>discredit</b> 151:5 <b>discrepancies</b> 148:1 <b>discussed</b> 66:20 <b>discussion</b> 8:10 <b>dishwater</b> 71:7 <b>disobedience</b> 150:5 <b>dispatcher</b> 138:24 <b>displaying</b> 150:21 <b>district</b> 1:1, 1:2, 19:20, 20:5, 20:8, 20:12, 20:14, 21:9, 21:12, 21:22, 22:3, 22:6, 22:9, 22:12, 25:24, 26:4, 26:10 <b>diversity</b> 57:5, 57:13, 57:18 <b>division</b> 1:3, 18:5, 25:5, 172:4 <b>document</b> 46:24, 61:12, 64:23, 65:1, 65:4, 65:7, 65:8, 65:13, 98:24, 99:13, 99:16, 104:3,	107:14, 115:14, 115:16, 116:6, 117:21, 118:7, 118:15, 119:2, 141:18, 146:16, 150:12, 150:20, 154:9, 169:16, 169:21, 170:1, 183:14, 184:12 <b>documented</b> 124:15, 172:19, 173:10, 173:17 <b>documents</b> 68:4, 68:8, 176:19 <b>dog</b> 106:5 <b>doing</b> 15:1, 93:8, 135:18, 135:19, 135:20, 180:17 <b>domestic</b> 21:17 <b>done</b> 10:10, 10:15, 29:13, 31:10, 117:14, 118:13, 174:2, 175:1, 175:8 <b>door</b> 106:8, 106:9, 106:11, 120:15, 121:14, 122:20 <b>doorway</b> 83:7, 122:1, 122:6, 123:2 <b>double</b> 11:9 <b>down</b> 24:23, 24:24, 25:1, 48:16, 55:13, 66:3, 67:5, 73:16, 79:24, 85:15, 94:9, 94:11, 111:8, 113:1, 116:7, 116:20, 117:15, 117:17,
--	--	--	--

Transcript of Thomas Kelly  
Conducted on July 14, 2020

60

117:24, 118:1, 118:2, 118:3, 118:9, 118:10, 118:17, 118:18, 118:19, 118:20, 118:21, 118:22, 120:24, 121:23, 146:15, 148:3, 170:10, 175:4, 175:12, 175:20 <b>downers</b> 3:7 <b>drafting</b> 176:9 <b>drink</b> 78:21 <b>driver's</b> 25:4 <b>driving</b> 25:13, 149:23 <b>dropping</b> 149:23 <b>duly</b> 7:2 <b>during</b> 11:20, 30:13, 38:5, 70:13, 88:1, 103:16, 123:5, 123:24, 125:15, 137:24, 165:16, 169:17, 172:22, 176:3, 176:20, 179:21 <b>duties</b> 21:24, 26:17 <b>duty</b> 31:4, 31:12, 32:1, 92:14	38:23, 47:6, 122:19, 128:2, 158:20, 169:19, 178:3 <b>earlier</b> 89:8, 89:15, 126:7, 127:10, 143:11, 169:6, 169:17 <b>easier</b> 10:17 <b>eastern</b> 1:3 <b>ed</b> 154:19 <b>eddie</b> 148:24 <b>educational</b> 16:8, 17:7 <b>effects</b> 11:11, 11:13 <b>effort</b> 42:10, 151:4 <b>eight</b> 15:17, 29:18, 30:15, 156:16 <b>either</b> 8:16, 12:13, 39:1, 65:20, 88:6, 92:22, 97:11, 117:10, 122:24, 138:24, 153:10, 171:7, 178:1, 178:11 <b>else</b> 9:18, 29:3, 29:5, 29:7, 29:9, 34:22, 34:24, 64:5, 67:11, 85:6, 85:9, 85:13, 85:16, 85:18, 91:14, 91:23, 92:24, 103:14, 159:21, 175:2, 177:2, 184:24, 186:1, 186:5, 186:10, 186:14	<b>employed</b> 189:13 <b>employee</b> 53:3 <b>employer</b> 105:5 <b>employment</b> 35:10, 35:12, 66:2 <b>encounter</b> 153:15, 153:21 <b>end</b> 17:3, 23:5, 24:17, 31:12, 50:12, 89:6, 169:10, 173:20, 179:9, 179:24 <b>engaged</b> 120:16 <b>engaging</b> 121:16 <b>enjoying</b> 35:14 <b>enlarge</b> 82:9, 112:12 <b>enlarging</b> 84:10 <b>enough</b> 117:4 <b>ensure</b> 97:22, 140:14, 157:18 <b>ensuring</b> 175:19 <b>entire</b> 20:11, 121:2 <b>entitled</b> 31:20, 52:12, 115:22 <b>ergo</b> 24:8 <b>errata</b> 188:8 <b>esq</b> 3:4, 3:10, 3:11, 3:18, 3:19, 4:5, 4:12, 4:13	<b>et</b> 1:10, 2:6, 3:17, 4:3, 64:14, 66:2 <b>evasive</b> 132:16, 133:21 <b>even</b> 10:10, 52:23, 59:21, 86:14, 95:5, 96:9, 96:16, 98:13, 167:13 <b>evening</b> 13:1, 13:3, 31:3, 92:12 <b>event</b> 157:16 <b>events</b> 84:17, 115:24, 117:10, 128:2, 169:20 <b>eventually</b> 55:21, 155:7 <b>ever</b> 17:4, 17:16, 34:15, 54:15, 57:13, 78:4, 90:23, 97:11, 137:11, 140:20, 141:7, 141:10, 143:17, 149:3, 152:16, 159:9, 163:21, 164:2, 164:18, 164:22, 165:15, 165:20, 167:22, 168:1, 168:4, 182:13 <b>everybody</b> 115:13, 135:11, 186:21 <b>everyone</b> 84:2, 186:23 <b>everything</b> 58:13 <b>evidence</b> 22:23, 23:20, 40:11, 62:15, 63:19, 63:22,
<b>E</b>			
<b>e-mail</b> 47:8, 164:6 <b>e-mailed</b> 47:7, 47:10 <b>e5</b> 15:23 <b>each</b> 14:19, 38:19,			

Transcript of Thomas Kelly  
Conducted on July 14, 2020

61

64:3, 64:13, 66:5, 165:4, 165:18, 176:19 <b>evidently</b> 14:24 <b>exact</b> 81:10, 131:24, 137:23 <b>exactly</b> 41:4, 78:19, 131:1, 152:8 <b>exam</b> 22:16, 23:24, 24:3, 24:5, 24:6, 27:12, 27:19, 61:24, 62:3, 62:10, 137:11, 137:15 <b>examination</b> 5:2, 5:3, 5:4, 5:5, 5:6, 5:7, 5:8, 5:9, 7:4, 160:10, 166:16, 166:19, 166:23, 167:3, 167:20, 169:3, 169:17, 177:9, 179:4, 181:13, 185:3 <b>examinations</b> 167:6 <b>examined</b> 7:3, 188:4 <b>examiner's</b> 65:18 <b>example</b> 32:12, 93:3, 142:2 <b>exams</b> 27:15, 61:23 <b>excerpts</b> 115:3 <b>excuse</b> 12:24, 46:11, 86:8, 115:1, 182:11 <b>exhibit</b> 5:16, 5:17, 5:18, 5:19,	5:20, 5:21, 5:22, 5:23, 46:14, 46:16, 46:19, 46:20, 48:11, 52:10, 57:1, 61:13, 63:1, 81:20, 81:23, 84:13, 98:20, 98:21, 99:13, 99:21, 101:17, 103:21, 103:23, 108:17, 108:21, 109:6, 114:13, 114:20, 114:23, 115:6, 115:7, 115:11, 117:2, 124:15, 141:14, 146:3, 146:4, 146:7, 148:2, 148:3, 150:16, 150:17, 168:15, 169:6, 170:7, 170:8, 173:22, 174:20 <b>exhibits</b> 5:14, 114:8, 152:1, 152:10 <b>existed</b> 103:6 <b>exonerated</b> 152:21, 152:24 <b>expand</b> 24:14 <b>expect</b> 158:14 <b>experience</b> 58:15, 60:2, 60:4, 61:4, 123:19, 123:21, 124:13, 124:14 <b>experienced</b> 42:13, 122:16, 123:3, 123:22, 125:6, 128:10 <b>experiences</b> 143:3 <b>expired</b> 17:3	<b>expires</b> 189:19 <b>explain</b> 30:7, 41:6, 147:24 <b>explanations</b> 142:23 <b>explicably</b> 51:6 <b>expressed</b> 21:6 <b>extended</b> 19:12, 153:4 <b>extension</b> 31:4 <b>extensive</b> 165:16 <b>extent</b> 66:18, 152:2, 152:12 <b>extremely</b> 82:8 <b>eye</b> 54:20, 54:23, 55:5, 55:11, 65:19 <hr/> <b>F</b> <hr/> <b>f</b> 7:10 <b>face</b> 83:12, 84:4 <b>facial</b> 71:12, 72:18, 72:21, 73:19, 74:3, 74:11, 77:3, 77:18, 111:19 <b>fact</b> 6:9, 24:4, 80:4, 137:22, 176:5, 183:3, 183:4, 183:8 <b>facts</b> 42:15, 44:10, 45:5 <b>fail</b> 167:2	<b>failed</b> 22:16, 166:19, 166:22 <b>fair</b> 10:23, 11:3, 25:15, 25:16, 41:10, 42:20, 42:22, 44:23, 45:8, 45:9, 63:22, 66:23, 86:2, 96:5, 96:6, 112:2, 121:8, 122:14, 162:24, 178:14, 178:17, 178:18, 178:22 <b>fairly</b> 82:15 <b>false</b> 41:1, 128:3, 128:4, 150:7, 167:14 <b>familiar</b> 27:3, 28:14, 83:22, 84:1, 150:1, 150:2 <b>family</b> 17:18, 18:7, 159:13, 159:16, 159:19 <b>far</b> 8:3, 8:5, 120:1, 145:9 <b>farley</b> 154:19 <b>faster</b> 23:7 <b>fat</b> 74:9 <b>father</b> 106:22 <b>fax</b> 161:18, 162:4 <b>faxed</b> 161:16 <b>fbi</b> 164:23 <b>fear</b> 142:16
---	---	--	--



Transcript of Thomas Kelly  
Conducted on July 14, 2020

62

<b>feel</b> 11:17, 24:23, 116:17, 166:21 <b>feeling</b> 145:21 <b>fell</b> 52:7 <b>fellas</b> 79:3 <b>fellow</b> 70:12, 84:11, 92:8, 143:17, 149:22, 153:16 <b>felony</b> 77:23, 78:3, 138:17, 139:3, 139:5, 141:2, 141:10, 162:21, 163:4, 163:11, 182:18 <b>felt</b> 106:10, 167:13 <b>few</b> 100:16, 160:13, 162:24, 163:2 <b>field</b> 15:9, 15:13 <b>fields</b> 18:23 <b>file</b> 109:1, 132:20, 132:23, 133:6, 138:7, 138:10, 138:14, 138:15, 140:3, 140:10 <b>filed</b> 70:15 <b>files</b> 138:3, 138:6, 140:22 <b>filing</b> 134:18 <b>fill</b> 94:3, 97:17, 97:19, 139:6, 161:14 <b>filled</b> 92:18, 100:2,	100:6 <b>filling</b> 102:19 <b>finally</b> 153:6 <b>financial</b> 189:14 <b>find</b> 45:6, 56:1, 56:4, 56:8, 60:3, 87:15, 102:4, 103:5, 128:2 <b>finding</b> 142:6 <b>findings</b> 152:18, 152:24 <b>fine</b> 28:2, 35:20, 45:2, 67:5, 88:4, 118:6, 119:1, 160:17 <b>fingerprinted</b> 162:1 <b>firm</b> 4:6 <b>first</b> 7:2, 7:8, 7:23, 32:23, 47:5, 104:3, 105:21, 106:23, 112:18 <b>five</b> 28:5, 33:4, 144:24, 145:3, 149:14, 154:16, 171:12, 176:14 <b>five-eleven</b> 77:15 <b>five-ten</b> 71:2 <b>fix</b> 104:7 <b>flashlight</b> 106:13 <b>flip</b> 99:7 <b>floor</b> 3:13, 86:24,	87:1, 87:3, 106:23, 107:3, 120:19, 126:10, 126:17, 127:11, 171:23, 172:1, 172:3 <b>fog</b> 88:10 <b>folder</b> 141:2 <b>foley</b> 1:10, 3:17, 75:7, 78:12, 83:17, 93:19, 107:21, 107:23, 108:4, 108:7, 108:11 <b>foley's</b> 109:19, 161:5 <b>follow</b> 124:17, 128:2, 137:21, 157:8 <b>follow-up</b> 160:13, 166:3, 167:19, 168:10, 181:12 <b>following</b> 121:7, 122:9 <b>follows</b> 7:3 <b>food</b> 156:5 <b>foot</b> 72:1, 72:9, 73:14, 74:1, 77:9, 77:15 <b>force</b> 18:7, 20:15, 20:16, 21:4, 21:8, 21:19, 21:24, 22:9, 60:2, 60:4, 62:22, 167:22, 168:1, 168:5 <b>forced</b> 151:21 <b>foregoing</b> 188:4, 189:6,	189:7 <b>forensics</b> 42:17 <b>form</b> 34:5, 34:8, 35:16, 36:5, 36:17, 38:18, 39:20, 40:5, 40:14, 41:2, 41:14, 42:2, 43:8, 44:14, 45:13, 45:20, 52:20, 53:8, 53:9, 53:11, 54:10, 55:1, 55:8, 58:19, 59:2, 59:5, 59:7, 61:6, 61:15, 63:24, 64:8, 69:18, 69:19, 74:24, 76:16, 76:21, 78:16, 79:7, 93:22, 95:7, 95:19, 96:18, 123:7, 124:3, 124:21, 125:9, 128:7, 129:20, 137:4, 139:22, 140:15, 144:9, 145:13, 145:14, 147:1, 147:2, 147:14, 158:4, 158:7, 158:22, 159:24, 161:14, 161:15, 161:16, 163:5, 163:13, 165:6, 179:14, 180:3, 180:8, 181:2, 182:6, 183:23 <b>formal</b> 28:3 <b>formally</b> 6:3 <b>fort</b> 14:12 <b>found</b> 30:15, 58:16,
--	--	--	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

63

90:15 <b>founda</b> 59:2 <b>foundation</b> 23:6, 38:10, 40:15, 41:2, 43:8, 45:20, 55:1, 55:8, 59:8, 69:19, 74:19, 75:2, 93:22, 95:15, 121:18, 123:7, 124:4, 124:21, 125:10, 140:15, 140:23, 147:3, 158:4, 163:5, 165:6, 174:4, 181:2, 182:6, 183:23, 184:2, 185:12 <b>four</b> 28:5, 66:3, 101:18, 103:9, 133:13 <b>foxx</b> 4:14 <b>frame</b> 31:6, 71:10, 71:13, 75:14, 75:18 <b>frankly</b> 133:11 <b>friend</b> 21:10, 153:9 <b>frightened</b> 120:19, 121:17 <b>frivolous</b> 184:5 <b>front</b> 154:9 <b>fulton</b> 1:5, 1:6, 3:3, 6:15, 115:18, 116:10, 116:12, 116:13, 121:21, 122:5, 122:6, 122:10, 122:18, 123:4, 123:24,	148:6, 148:20, 160:13, 163:22, 178:3, 178:12, 178:20, 178:24 <b>fulton's</b> 159:16 <b>function</b> 81:10 <b>funds</b> 22:16, 23:21, 24:12 <b>further</b> 5:7, 5:8, 5:9, 119:1, 120:24, 160:8, 168:8, 179:3, 179:4, 181:10, 181:13, 185:3, 186:4 <b>fusco</b> 3:20, 67:15 <hr/> <b>G</b> <hr/> <b>g3</b> 15:3 <b>gang</b> 62:19, 62:20, 62:21, 62:23, 79:17, 163:17 <b>gangs</b> 27:1, 27:2 <b>gaps</b> 102:19 <b>garfield</b> 90:21, 159:7, 163:18 <b>garfinkel</b> 43:17, 77:21, 78:1, 177:15, 178:4, 178:11, 178:16, 178:20, 178:23 <b>garnering</b> 65:9 <b>gathering</b> 41:9, 80:5 <b>gauge</b> 43:3, 44:8 <b>gave</b> 32:2, 102:15,	105:12, 107:16, 108:3, 108:6, 155:7, 178:3, 184:15 <b>general</b> 104:19, 104:20 <b>generally</b> 15:5, 21:2, 54:19, 64:2, 78:24 <b>gentleman</b> 24:17, 43:14, 149:21 <b>germany</b> 14:2 <b>gerry</b> 77:12, 78:13, 81:16, 82:22 <b>getting</b> 48:17, 102:9, 132:3, 134:11, 159:3 <b>gillespie</b> 4:13 <b>give</b> 8:2, 9:24, 13:22, 23:23, 47:1, 62:9, 107:17, 107:20, 107:21, 107:23, 108:8, 125:2, 135:13, 147:22, 168:16, 174:6, 175:7, 180:6 <b>given</b> 7:11, 16:11, 31:17, 59:20, 64:11, 105:16, 135:6, 179:6, 185:13, 188:6, 189:9 <b>giving</b> 102:12 <b>glasses</b> 71:9, 72:12, 72:17, 73:21, 74:4, 74:10, 75:11, 75:21,	76:2, 77:6, 77:17, 83:18, 88:10, 111:17 <b>glynn</b> 29:8 <b>go</b> 7:20, 9:3, 9:8, 9:17, 13:8, 15:6, 15:9, 20:14, 21:6, 21:7, 27:21, 29:12, 29:13, 33:2, 35:17, 36:21, 39:24, 40:16, 42:4, 45:22, 49:2, 49:3, 52:6, 56:19, 57:3, 59:4, 60:23, 61:1, 64:21, 69:20, 70:7, 78:21, 78:23, 79:24, 89:11, 101:13, 109:15, 113:1, 116:23, 117:23, 118:1, 118:2, 118:3, 118:9, 118:10, 118:13, 118:17, 118:18, 118:19, 118:20, 118:21, 118:22, 119:1, 120:12, 121:22, 126:22, 128:21, 138:21, 145:5, 158:11, 160:17, 165:9, 168:12, 168:23, 171:3, 180:9, 183:21, 185:17 <b>goals</b> 151:5 <b>goes</b> 121:6, 122:11 <b>going</b> 7:20, 7:23, 9:24, 10:9, 15:12, 32:15,
--	---	--	--

Transcript of Thomas Kelly  
Conducted on July 14, 2020

64

38:24, 40:8, 45:7, 46:14, 46:23, 48:4, 67:7, 98:19, 103:20, 103:22, 105:19, 108:20, 108:22, 109:1, 113:1, 114:12, 114:21, 115:3, 115:20, 116:5, 116:19, 117:19, 124:9, 125:23, 126:24, 128:20, 128:22, 134:6, 138:2, 139:6, 142:12, 146:9, 157:19, 159:3, 179:20, 186:15 <b>golubiak</b> 111:12 <b>golubiak's</b> 111:13 <b>gone</b> 33:21, 148:10, 169:16 <b>good</b> 11:18, 39:14, 73:14, 105:16, 110:24, 111:15, 118:5 <b>goose</b> 44:22 <b>gotten</b> 60:9 <b>gpr</b> 68:6, 70:19, 84:14, 84:15, 85:4, 85:5, 85:16, 85:22, 86:14, 86:16, 88:20, 102:6, 102:13, 102:17, 102:20, 103:21, 104:16, 104:18, 107:15, 109:6, 117:12, 126:15, 141:16, 146:10, 170:6, 170:18,	170:19, 171:17, 172:19, 173:19, 173:20, 174:1, 174:2, 174:3, 174:14, 174:15, 174:20, 175:1, 175:8, 175:11, 175:17, 176:15, 179:8, 179:23, 181:6, 181:15, 181:16, 183:9, 183:15, 184:13, 185:20, 185:23 <b>gprs</b> 114:8, 147:11, 184:13 <b>graduate</b> 15:24, 16:2, 16:4 <b>graf</b> 75:16, 78:13, 79:9, 79:11, 79:18, 81:7, 164:19 <b>graf's</b> 112:23, 164:11, 164:15 <b>grandchild</b> 18:22 <b>grandchildren</b> 18:19 <b>great</b> 18:2 <b>green</b> 82:18, 82:23, 138:13 <b>grieve</b> 25:19, 25:20 <b>ground</b> 105:6 <b>group</b> 14:19, 15:11, 26:9, 79:19, 83:6, 83:13, 83:20 <b>grove</b> 3:7 <b>guess</b> 60:11, 72:11,	72:17, 102:22, 133:23, 146:18, 151:10, 152:12 <b>guessing</b> 154:16 <b>guilty</b> 39:6, 148:16, 148:20, 148:24 <b>guy</b> 74:13, 74:22, 83:9, 84:6, 154:2 <b>guys</b> 8:9, 134:16, 135:10, 136:3, 136:12 <hr/> <b>H</b> <hr/> <b>hair</b> 71:3, 71:5, 71:12, 72:10, 72:19, 72:22, 73:16, 73:17, 73:19, 74:2, 74:3, 74:10, 74:11, 74:12, 75:10, 75:20, 75:24, 77:4, 77:16, 77:18, 111:16, 111:19 <b>hal</b> 43:17, 77:20, 78:1, 177:14 <b>half</b> 42:8 <b>halloran</b> 73:1, 73:2, 78:12, 79:9, 79:11, 79:16, 80:12 <b>hand</b> 93:1, 93:2, 189:17 <b>handcuff</b> 157:4 <b>handcuffed</b> 157:10, 172:13, 172:14	<b>handcuffing</b> 158:1 <b>handcuffs</b> 156:19, 157:13, 172:23 <b>handed</b> 25:3 <b>handle</b> 25:6, 31:2 <b>handwriting</b> 100:21, 101:4, 104:15, 105:16, 105:17, 109:5, 109:10, 109:13, 109:16, 109:22, 109:23, 110:4, 110:7, 110:10, 110:13, 110:16, 111:5, 112:8, 112:21, 112:24, 113:7, 113:8, 113:9, 113:11, 113:13, 113:15, 113:17, 113:19, 113:21, 113:23, 114:1, 114:4, 114:10 <b>handwritten</b> 146:10, 181:22, 182:4, 182:11, 182:14, 182:18, 182:20 <b>hang</b> 39:17 <b>hanging</b> 70:2 <b>happen</b> 31:2, 139:17, 143:8 <b>happened</b> 36:15, 40:12, 40:19, 69:11, 70:13, 86:16, 90:17, 122:11, 122:13, 139:2, 143:5, 174:16 <b>happening</b> 87:9
--	---	--	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

65

<b>hard</b> 82:8, 83:8 <b>harjani</b> 8:17 <b>harm</b> 157:21, 157:22 <b>harrison</b> 14:12, 112:16 <b>harrison's</b> 112:18 <b>haste</b> 39:15 <b>hay</b> 52:7 <b>head</b> 10:2, 55:13 <b>hear</b> 11:18, 49:12, 148:5, 178:15, 178:19 <b>heard</b> 97:6, 114:7, 177:14 <b>hearing</b> 84:21, 177:18 <b>heavy</b> 77:11 <b>height</b> 72:2, 72:6, 73:12 <b>held</b> 80:8, 155:16 <b>help</b> 96:2, 115:3, 154:20, 184:6 <b>helpful</b> 62:5, 62:8 <b>here</b> 11:8, 12:11, 12:17, 48:16, 52:1, 56:22, 59:20, 67:5, 82:7, 83:14, 88:8, 117:10, 133:22, 135:4, 135:11, 136:11, 150:12, 151:10, 154:10, 154:20,	159:23, 160:9, 169:15, 169:18, 169:24, 170:20, 173:7, 176:19 <b>hereby</b> 188:3, 189:7 <b>herein</b> 7:2 <b>hereunto</b> 189:16 <b>hey</b> 99:2 <b>high</b> 15:24, 16:2, 16:4, 16:7 <b>high-crime</b> 20:17 <b>higher</b> 112:3 <b>highlighted</b> 48:10, 104:6 <b>highly</b> 28:19 <b>himself</b> 156:1 <b>hinduism</b> 57:6, 57:13, 57:19 <b>histories</b> 101:18, 101:21, 103:6, 103:10, 176:16 <b>history</b> 100:4, 100:7, 100:18, 100:24, 101:6, 101:24, 102:15, 102:24, 103:4, 103:17, 119:21, 162:5, 162:8, 162:9, 162:12, 165:16, 168:15 <b>hit</b> 35:22 <b>hold</b> 99:8 <b>home</b> 25:9, 115:13,	122:8, 123:2 <b>homi</b> 120:4 <b>homicide</b> 63:3, 63:7, 64:6, 122:16, 123:18, 140:22, 142:10, 159:22, 176:10, 176:23 <b>homicides</b> 63:10, 63:13, 63:17, 65:5 <b>honorable</b> 15:19 <b>hopefully</b> 18:21, 35:13, 66:3 <b>hours</b> 16:15, 30:9, 30:16, 31:3, 67:20, 67:21, 78:23, 155:17, 156:6 <b>house</b> 78:23, 120:11, 121:13 <b>however</b> 11:11, 26:24 <b>huh</b> 10:4, 30:5 <b>hypothetical</b> 42:3, 43:9, 55:8, 123:8, 124:3, 124:8, 124:20, 125:9, 125:22, 126:3, 128:5, 128:11, 130:10, 131:18, 131:19, 132:9, 134:7, 136:18, 136:21, 137:8, 138:1, 143:1, 143:2, 147:7, 147:10, 165:7, 165:13, 179:16 <b>hypotheticals</b> 130:11 <b>hòa</b> 14:7, 14:8	<b>I</b> <b>idea</b> 16:16, 53:10, 64:24, 68:17, 80:23, 95:14, 97:5, 123:14, 137:19, 148:14, 163:20 <b>identification</b> 25:2, 46:17, 81:24, 98:22, 100:3, 103:24, 108:18, 115:8, 146:5, 150:18, 161:17 <b>identify</b> 82:4 <b>identifying</b> 66:9, 152:1 <b>ill</b> 81:5 <b>illinois</b> 1:2, 2:18, 3:7, 3:14, 3:22, 4:8, 4:17, 189:5, 189:24 <b>imagine</b> 90:19 <b>impedes</b> 151:3 <b>important</b> 36:13, 36:24, 37:4, 37:6 <b>improper</b> 125:14, 125:17, 133:20 <b>in-service</b> 63:2 <b>inaccurate</b> 58:5, 58:10, 58:17, 59:15, 60:1, 60:7, 61:13 <b>inappropriate</b> 50:11, 130:24 <b>incident</b> 40:23, 66:10
--	---	---	--

Transcript of Thomas Kelly  
Conducted on July 14, 2020

66

<b>include</b> 92:20, 94:6, 94:13, 97:2, 97:7, 98:3, 98:5, 162:9 <b>included</b> 93:5, 96:8, 150:4 <b>including</b> 96:4, 96:14 <b>incomplete</b> 42:2, 43:9, 55:7, 123:8, 124:2, 124:20, 125:9, 125:21, 165:7 <b>inconsistencies</b> 41:10, 41:21, 146:19, 147:11, 148:1 <b>inconsistency</b> 42:9, 42:18, 45:3 <b>inconsistent</b> 128:1 <b>increase</b> 49:6 <b>indeed</b> 170:1 <b>independent</b> 86:3, 86:10 <b>indiana</b> 14:13 <b>indianapolis</b> 14:13 <b>indicate</b> 10:22 <b>indication</b> 42:10, 182:21 <b>indicative</b> 42:20, 142:17 <b>individual</b> 38:19, 94:14, 122:22, 161:9, 172:21 <b>individual's</b> 162:5, 162:8 <b>individuals</b> 82:19, 83:20,	101:19 <b>inference</b> 47:20, 49:13, 51:22, 51:24 <b>inform</b> 31:16, 38:17 <b>information</b> 41:9, 42:14, 43:6, 64:20, 65:9, 65:10, 65:16, 65:17, 65:24, 102:11, 102:16, 124:15, 142:15 <b>initial</b> 7:9, 92:23 <b>initially</b> 29:16 <b>injuries</b> 65:20, 116:12, 116:13 <b>innocent</b> 148:16, 148:20, 148:24 <b>insert</b> 185:11 <b>inserted</b> 185:22 <b>inside</b> 156:20, 157:4, 158:1, 167:23, 168:2, 168:5 <b>instead</b> 6:4 <b>institution</b> 16:8, 17:8 <b>integrity</b> 163:22, 164:3 <b>intend</b> 35:12 <b>intent</b> 42:20, 47:20 <b>intentional</b> 42:10 <b>interact</b> 158:14 <b>interacting</b> 157:5, 157:9,	157:14 <b>interactions</b> 77:24 <b>intercourse</b> 120:17, 122:3 <b>interest</b> 189:14 <b>interesting</b> 102:11 <b>interject</b> 9:19, 132:14 <b>interpretation</b> 147:21 <b>interrogate</b> 38:2, 38:5, 40:4 <b>interrogated</b> 39:5, 39:8 <b>interrogating</b> 38:8 <b>interrogation</b> 38:9, 123:6, 156:8, 156:14, 156:24, 157:5, 157:10, 158:1, 158:11, 158:21, 167:23, 172:8, 172:11, 172:17 <b>interrogations</b> 40:13, 45:12, 62:14, 124:1, 137:24 <b>interrupt</b> 8:6, 9:17 <b>interview</b> 21:5, 37:10, 37:16, 37:20, 68:7, 85:19, 85:23, 86:22, 91:17, 91:21, 117:13, 168:2, 168:6, 171:14, 174:11, 174:12, 174:13, 180:12, 185:21 <b>interviewed</b> 93:7, 164:2, 164:22, 173:19,	174:15 <b>interviewing</b> 93:3 <b>interviews</b> 87:12, 87:18, 87:20, 172:5 <b>investigate</b> 63:10, 63:13, 63:16, 64:6, 65:5, 65:8 <b>investigating</b> 165:5 <b>investigation</b> 64:19, 66:13, 68:16, 70:13, 84:18, 93:20, 94:11, 95:22, 96:1, 96:7, 119:15, 123:15, 123:18, 128:1, 142:10, 159:23, 172:22, 176:10, 176:23 <b>investigations</b> 137:23, 167:7 <b>investigative</b> 62:6, 62:9, 109:1, 161:22, 167:10, 167:13 <b>involved</b> 166:11 <b>involving</b> 149:15 <b>ir</b> 161:10, 161:12, 161:13, 161:15, 161:21, 161:23 <b>issue</b> 133:18, 135:4 <b>issues</b> 21:17 <b>itself</b> 64:20, 171:17, 183:9 <hr/> <b>J</b> <hr/> <b>jack</b> 73:1, 73:2,
---	---	--	---



Transcript of Thomas Kelly  
Conducted on July 14, 2020

67

78:11, 80:12, 100:14 <b>jacket</b> 82:18, 82:23 <b>jackson</b> 4:7 <b>january</b> 11:9, 12:14 <b>jennice</b> 107:4 <b>jim</b> 29:4, 33:9, 33:10, 33:14, 33:21, 34:19, 74:6, 78:12, 81:1, 97:14, 154:19 <b>job</b> 1:22, 30:13, 37:4, 37:7, 165:2 <b>joe</b> 29:2 <b>johnson</b> 3:19 <b>join</b> 18:8, 36:18, 36:19, 43:10, 43:11, 44:15, 58:20, 59:17, 61:7, 61:17, 69:23, 74:20, 96:19, 123:10, 123:11, 124:5, 124:6, 124:22, 124:23, 125:12, 125:13, 126:21, 126:24, 127:2, 127:17, 128:15, 129:12, 131:16, 132:2, 140:16, 140:24, 144:10, 147:4, 147:15, 163:6, 173:14 <b>joined</b> 18:3, 18:6, 19:2, 19:9, 19:12, 19:14,	28:21, 29:12, 29:14 <b>jones</b> 138:10 <b>jr</b> 101:7, 107:5 <b>judge</b> 8:17, 50:13, 117:19, 155:12 <b>july</b> 1:17, 67:24, 189:18 <b>jump</b> 168:11 <b>june</b> 16:6, 35:8 <b>jury</b> 54:7, 54:17, 54:21, 54:24, 55:3, 55:6, 55:20, 55:22, 56:1, 56:3, 56:8 <b>juvenile</b> 162:9, 162:12 <hr/> <b>K</b> <hr/> <b>k-e-l-l-y</b> 7:8 <b>kathleen</b> 3:5 <b>kedzie</b> 80:11 <b>keep</b> 125:23, 157:9, 163:12 <b>kelly</b> 1:15, 2:11, 5:2, 5:14, 6:10, 7:1, 7:8, 9:8, 9:23, 32:10, 46:16, 46:20, 48:3, 48:8, 51:16, 51:18, 53:5, 61:4, 81:23, 98:21, 99:24, 102:8, 103:23, 108:17, 115:7, 129:10,	130:7, 136:16, 146:4, 150:17, 169:5, 170:6, 170:17, 177:11, 185:5, 188:3 <b>kenny</b> 70:20, 71:15, 78:10, 80:1 <b>kept</b> 58:9, 73:18, 138:3 <b>kidding</b> 8:7 <b>killed</b> 160:5 <b>kimberly</b> 4:14 <b>kind</b> 36:9, 51:24, 71:6, 75:10, 77:10, 77:15, 83:15, 111:16, 111:21, 123:17, 170:10, 177:24 <b>kindly</b> 117:7 <b>knew</b> 28:17, 28:22, 29:2, 29:3, 29:10, 42:15 <b>knock</b> 135:21, 135:22 <b>knowing</b> 90:2, 126:14 <b>knowledge</b> 23:19, 143:20, 143:24, 152:22, 157:23, 159:10, 159:11, 159:14, 162:2, 164:12, 184:22 <b>known</b> 44:12 <hr/> <b>L</b> <hr/> <b>lab</b> 66:4, 66:5 <b>labeled</b> 46:20, 115:14	<b>laborer</b> 17:13 <b>laid</b> 17:14, 24:23 <b>lapse</b> 60:12 <b>large</b> 31:1, 74:8, 74:9, 108:21, 117:4, 171:22, 172:3 <b>last</b> 7:8, 7:17, 8:22, 46:4, 47:5, 79:23, 80:1, 80:6, 80:13, 80:16, 80:21, 81:1, 81:7, 81:16, 118:22, 118:24, 131:6, 158:13 <b>late</b> 92:11 <b>later</b> 8:6, 186:9 <b>latoya</b> 109:7 <b>latter</b> 87:19 <b>law</b> 3:5, 4:6 <b>lawsuit</b> 69:16, 70:5, 70:15, 164:7, 164:10, 164:14 <b>lawsuits</b> 154:18 <b>lawyers</b> 69:13 <b>lay</b> 24:24, 25:1 <b>laying</b> 121:18, 158:20 <b>lead</b> 185:2 <b>leading</b> 40:9, 170:3 <b>leads</b> 60:5
---	---	--	--

Transcript of Thomas Kelly  
Conducted on July 14, 2020

68

<b>lean</b> 111:23 <b>learn</b> 89:21, 90:4 <b>learning</b> 89:20 <b>least</b> 80:22, 135:9, 149:10, 162:22 <b>leave</b> 29:20, 29:23, 66:19, 93:11, 93:13, 177:21 <b>led</b> 70:14, 93:20, 103:10 <b>left</b> 25:9, 26:7, 82:6, 82:22, 83:1, 83:2, 111:9, 140:11 <b>left-hand</b> 82:13, 82:17, 107:9, 112:11 <b>legitimate</b> 53:9 <b>lenahan</b> 154:19 <b>lend</b> 92:24, 93:2 <b>length</b> 171:17 <b>less</b> 30:21, 39:10 <b>let's</b> 8:3, 9:6, 9:8, 31:5, 51:9, 60:23, 61:1, 83:4, 93:15, 101:13, 103:20, 109:15, 111:1, 112:6, 131:7, 144:22, 145:5, 177:11, 177:17 <b>license</b> 25:4 <b>lie</b> 42:6, 123:5,	137:24, 153:14, 153:19 <b>lies</b> 123:24, 124:18 <b>lieu</b> 6:3 <b>life</b> 10:16, 164:20 <b>light</b> 8:18, 73:17, 156:20, 156:24, 169:23 <b>liked</b> 14:24 <b>likely</b> 146:23, 147:12 <b>limit</b> 17:2 <b>line</b> 105:21 <b>lisa</b> 4:5, 23:16, 36:18, 39:19, 43:11, 69:22, 129:1 <b>list</b> 27:9, 27:14, 27:17, 79:24 <b>listed</b> 59:20, 116:24 <b>listen</b> 55:22 <b>lists</b> 116:6, 116:8 <b>literally</b> 131:24 <b>little</b> 20:6, 36:9, 41:5, 71:2, 71:4, 73:15, 75:20, 80:5, 80:15, 81:3, 81:18, 89:8, 89:15, 119:1, 154:20, 170:10 <b>live</b> 106:21 <b>located</b> 14:6	<b>location</b> 105:9, 116:9 <b>loevy</b> 3:12 <b>long</b> 13:15, 14:9, 17:1, 18:12, 20:4, 21:18, 25:17, 25:23, 26:20, 28:4, 30:15, 33:2, 33:10, 33:16, 67:18, 67:19, 73:4, 73:8, 73:17, 80:4, 144:24, 149:12, 169:9, 171:11, 176:6 <b>long-term</b> 13:23 <b>longer</b> 32:3, 71:4 <b>look</b> 54:7, 55:3, 60:8, 82:4, 83:22, 111:1, 113:3, 116:21, 138:10, 151:11 <b>looked</b> 73:14, 86:20, 106:13, 156:9, 156:14 <b>looking</b> 41:9, 48:10, 52:6, 56:23, 57:1, 83:16, 98:15, 125:5 <b>looks</b> 82:23, 84:1, 121:14 <b>loop</b> 16:19 <b>lost</b> 91:11 <b>lot</b> 21:14, 21:17, 29:10, 36:14 <b>louis</b> 101:7, 106:22,	107:5 <b>lowell</b> 19:22 <b>lucia</b> 1:24, 2:16, 189:3, 189:23 <hr/> <b>M</b> <hr/> <b>made</b> 25:12, 27:5, 95:13, 140:10 <b>main</b> 21:10 <b>maintain</b> 140:21 <b>maintained</b> 140:3, 163:4 <b>major</b> 11:19 <b>majority</b> 28:15, 31:1 <b>make</b> 10:16, 36:14, 50:17, 50:18, 52:1, 54:19, 54:23, 55:5, 55:11, 88:5, 105:18, 111:10, 128:24, 140:2, 140:6, 147:20, 165:3, 165:17, 172:23, 182:23 <b>makes</b> 8:17 <b>making</b> 47:20, 150:7 <b>male</b> 76:7, 76:8, 76:19, 76:20, 77:1 <b>males</b> 76:14 <b>malfunction</b> 134:15, 177:4, 182:1 <b>man</b> 122:24 <b>management</b> 19:1
---	---	---	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

69

<b>mandatory</b> 35:23	47:19, 52:20, 54:10, 56:10,	13:6, 13:10	<b>might</b> 23:13, 33:20,
<b>many</b> 7:14, 17:22, 18:17, 27:8, 27:11, 90:17, 95:13, 137:13, 144:1, 144:4, 144:8, 144:17, 144:18, 154:14, 162:19	58:19, 59:2, 59:4, 59:7, 59:16, 61:6, 61:15, 63:24, 69:17, 69:19, 69:23, 74:16, 74:19, 75:1, 95:15, 96:18, 116:15, 123:11, 124:5, 124:23, 125:12, 126:19, 127:17, 128:20, 128:22, 129:4, 129:11, 129:18, 130:16, 130:19, 130:21, 130:22, 131:4, 131:16, 132:2, 134:4, 134:12, 134:16, 135:22, 137:4, 139:22, 144:9, 145:11, 145:13, 147:2, 147:4, 147:14, 151:22, 151:24, 152:8, 177:6, 180:3, 186:13	<b>medications</b> 11:10, 12:9, 12:19 <b>meet</b> 67:1, 67:4, 67:15, 67:23, 68:1 <b>meeting</b> 67:11, 67:13, 67:18, 126:14 <b>member</b> 14:19, 17:19, 21:3 <b>members</b> 17:18, 18:7, 54:20, 55:20, 159:12, 159:15, 159:18 <b>memorialize</b> 183:3, 183:8 <b>memory</b> 12:4, 12:7, 41:22, 60:13, 86:4, 143:15, 149:13, 155:1 <b>men</b> 82:17 <b>mendel</b> 16:3 <b>mentioned</b> 89:20, 93:18, 177:13 <b>message</b> 164:20 <b>messages</b> 164:18 <b>met</b> 162:20 <b>michael</b> 100:5, 100:7 <b>michigan</b> 24:20 <b>middle</b> 7:9, 73:16 <b>midnight</b> 32:10 <b>midnights</b> 32:8	<b>mike</b> 73:23, 78:11, 78:12, 80:20, 106:8, 106:13, 154:11, 154:18, 155:5, 155:7, 155:16, 155:19, 155:24, 156:4 <b>military</b> 13:13, 14:5, 15:1, 15:4, 17:16 <b>mind</b> 43:15, 60:20 <b>minimally</b> 45:24 <b>minimum</b> 32:6, 54:20 <b>minutes</b> 144:24, 145:3, 171:12, 176:14 <b>mischaracterizes</b> 59:6, 61:16, 126:19, 127:15, 183:10, 183:16 <b>mishap</b> 41:22 <b>misremembering</b> 42:19 <b>miss</b> 130:21, 131:5 <b>missing</b> 22:16, 23:20, 166:8, 166:10 <b>misstate</b> 9:10, 9:13 <b>misstated</b> 9:3, 9:16
<b>march</b> 26:23, 53:12, 63:3, 63:11			
<b>mark</b> 46:13, 46:19, 81:20, 98:20, 103:20, 108:21, 115:11, 146:2			
<b>marked</b> 20:9, 20:18, 20:22, 26:14, 46:16, 81:23, 98:21, 103:23, 108:17, 115:6, 115:7, 115:11, 146:4, 150:17, 152:10			
<b>married</b> 18:10, 18:12			
<b>maryland</b> 22:5			
<b>mask</b> 88:2, 88:3, 88:6, 88:7			
<b>matter</b> 80:4			
<b>maybe</b> 16:14, 20:6, 29:18, 33:4, 73:14, 80:17, 84:10, 148:10			
<b>meador</b> 4:5, 6:20, 23:3, 23:16, 36:18, 39:19, 43:11, 47:1, 47:8, 47:12,			
	<b>mean</b> 8:21, 28:3, 46:11, 52:7, 78:18, 93:3, 113:3, 130:23, 133:6, 158:6 <b>means</b> 91:9, 97:3 <b>measure</b> 95:11 <b>medals</b> 14:18 <b>medical</b> 11:5, 12:14, 12:15, 65:18 <b>medication</b> 11:6, 12:15, 13:1, 13:3, 13:4, 13:5,		

Transcript of Thomas Kelly  
Conducted on July 14, 2020

70

<b>mistaken</b> 34:16 <b>mistakenly</b> 114:20 <b>money</b> 25:11, 166:7, 166:8, 166:9, 166:14 <b>months</b> 14:10, 15:8, 17:14, 19:12, 19:15, 29:18 <b>moran</b> 8:10, 8:14, 67:8 <b>more</b> 20:7, 30:21, 30:22, 30:23, 32:13, 49:10, 52:1, 52:17, 54:8, 59:11, 63:21, 64:2, 65:10, 65:13, 66:6, 67:21, 90:18, 99:7, 100:16, 146:23, 147:12, 149:10, 162:22, 165:23 <b>morning</b> 13:3, 13:5, 13:6, 13:9 <b>moser</b> 75:22, 78:13, 79:9, 79:11, 79:18, 81:14 <b>most</b> 21:15, 21:16, 171:12 <b>mother</b> 106:2, 106:17, 106:21 <b>motion</b> 132:20, 132:23, 133:6 <b>motions</b> 134:18 <b>move</b> 83:4, 117:15,	117:17, 130:19, 130:22, 134:8 <b>moved</b> 34:4 <b>much</b> 60:14, 65:16, 65:24, 110:22, 115:23, 129:1 <b>murder</b> 32:11, 66:13, 84:17, 121:7, 137:22, 148:16, 148:21, 149:1 <b>murphy</b> 29:2, 34:23, 149:20, 152:16, 152:21, 152:23 <b>must</b> 30:5 <b>mustache</b> 71:14, 72:23, 75:11, 75:20, 76:1 <b>mute</b> 116:15 <b>muted</b> 23:5 <b>myself</b> 23:4, 24:16, 85:8, 85:12 <hr/> <b>N</b> <hr/> <b>name</b> 7:6, 7:8, 7:9, 14:7, 26:8, 26:24, 28:3, 53:4, 68:14, 68:19, 77:22, 85:5, 85:17, 85:22, 96:9, 99:23, 104:24, 111:12, 112:18, 154:13, 160:12, 160:20, 160:23, 161:14, 177:11, 177:14, 177:18, 177:24, 185:7, 185:21	<b>named</b> 98:15, 154:2, 164:7, 164:10, 164:13 <b>names</b> 78:8, 79:6 <b>narrative</b> 105:21, 115:21, 116:20, 117:8, 119:7 <b>near</b> 14:7 <b>neater</b> 110:22, 110:23 <b>necessarily</b> 59:20 <b>need</b> 11:20, 78:9, 99:5, 145:24, 154:20 <b>neither</b> 189:12 <b>never</b> 17:6, 30:3, 53:8, 57:18, 57:20, 57:21, 143:8, 143:21, 164:20, 182:10 <b>nevast</b> 2:3, 84:15, 84:24, 85:2, 85:23, 86:11, 86:19, 87:15, 87:22, 88:20, 91:3, 91:8, 91:13, 92:1, 92:5, 92:8, 93:7, 93:21, 100:17, 102:11, 102:15, 104:23, 115:17, 117:13, 119:18, 120:8, 121:11, 121:22, 122:2, 122:5, 122:17, 123:4, 123:23, 126:9, 126:14, 127:12, 127:14, 141:15,	141:16, 142:2, 146:12, 146:21, 148:6, 148:16, 159:12, 163:24, 178:2, 178:11, 178:16, 178:24, 179:7, 179:22 <b>new</b> 54:6 <b>news</b> 148:12 <b>next</b> 1:13, 10:16, 21:21, 25:12, 26:3, 33:14, 56:15, 116:7, 118:12 <b>nicholas</b> 3:4 <b>nick</b> 133:23, 160:12, 183:24 <b>night</b> 8:22, 120:21 <b>nine</b> 29:18 <b>nobody</b> 85:13, 117:19, 135:2 <b>nod</b> 10:2 <b>nonmedical</b> 11:16 <b>nonpublic</b> 44:10, 45:5 <b>normal</b> 65:11, 66:7, 92:14, 175:10 <b>normally</b> 10:4, 15:10 <b>north</b> 3:13, 3:21 <b>northern</b> 1:2 <b>notarial</b> 189:17 <b>notary</b> 2:17, 189:1,
--	--	--	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

71

189:4, 189:24 <b>note</b> 50:18, 94:18, 104:22, 150:15, 172:23 <b>noted</b> 141:24, 142:3 <b>notes</b> 36:4, 36:13, 36:16, 36:23, 86:5, 141:5, 179:22, 180:11, 180:20, 181:1, 184:14 <b>nothing</b> 70:18, 88:5, 91:23, 125:14, 177:1, 179:3, 185:24, 186:1, 186:5, 186:14 <b>notice</b> 2:16 <b>notified</b> 65:23 <b>november</b> 57:4 <b>number</b> 65:18, 71:16, 105:3, 105:13, 138:22, 161:10, 161:12, 161:13, 161:15, 161:21, 161:24, 162:23, 176:4 <b>numbered</b> 81:21, 98:24, 108:22, 109:6, 146:7, 150:22 <b>numbers</b> 115:13, 164:9, 164:13 <b>nutshell</b> 22:15	81:1, 83:3, 112:1 <b>o'leary</b> 29:4 <b>oath</b> 126:8 <b>object</b> 6:7, 23:6, 59:7, 66:17, 126:18, 128:22 <b>objections</b> 51:20, 69:24, 129:1, 129:23, 136:19, 184:16 <b>observations</b> 11:17 <b>observe</b> 178:23 <b>observed</b> 25:9, 120:15, 121:21, 122:1, 143:21 <b>observes</b> 121:15 <b>observing</b> 76:18 <b>obtain</b> 100:10, 162:12, 162:17 <b>obtained</b> 17:6, 139:14, 161:13 <b>obvious</b> 162:15 <b>obviously</b> 145:23, 152:10, 178:15 <b>occasion</b> 180:22 <b>occasions</b> 29:11 <b>occur</b> 41:1 <b>occurred</b> 72:13 <b>offender</b> 65:20, 65:21 <b>offenders</b> 65:22	<b>offer</b> 62:2 <b>office</b> 4:11, 8:20, 67:16, 91:15, 91:19, 91:24, 138:5, 138:8 <b>officer</b> 1:9, 3:17, 24:16, 25:8, 58:16, 84:3, 87:7, 95:12, 96:9, 143:8, 143:18, 143:22, 189:6 <b>officer's</b> 37:4, 37:7, 85:22 <b>officers</b> 6:17, 15:6, 15:18, 17:19, 36:13, 62:23, 78:7, 87:7, 94:5, 94:6, 94:8, 94:10, 94:13, 94:15, 94:20, 95:5, 95:17, 96:13, 96:16, 96:24, 97:2, 97:4, 97:7, 97:9, 98:4, 98:5, 98:15, 98:16, 116:6, 116:8 <b>offices</b> 3:5, 172:5 <b>official</b> 64:24, 140:3, 140:10 <b>often</b> 58:16 <b>ogden</b> 154:23 <b>oh</b> 15:14, 34:11, 43:20, 47:3, 47:15, 48:14, 80:19, 102:10,	110:19, 118:1, 124:11, 129:19, 136:3, 145:23, 150:14, 169:14, 175:14, 177:8 <b>okay</b> 7:20, 9:8, 10:3, 10:9, 12:1, 13:2, 13:12, 14:1, 23:9, 23:18, 25:23, 34:21, 43:20, 44:5, 46:13, 48:15, 53:16, 53:24, 58:2, 62:24, 63:21, 68:1, 69:21, 69:23, 70:11, 73:1, 75:7, 82:16, 88:15, 95:4, 99:18, 99:20, 108:10, 115:6, 116:1, 119:4, 120:24, 121:17, 124:13, 137:20, 145:21, 159:2, 160:15, 164:2, 164:22, 165:22, 167:1, 167:12, 168:22, 169:2, 169:15, 170:5, 173:4, 173:24, 174:9, 174:18, 175:14, 175:23, 176:3, 177:8, 177:17, 177:22, 178:6, 178:14, 178:18, 179:2, 180:14, 183:7, 183:13, 184:8, 184:23, 186:15, 186:24 <b>old</b> 69:16, 72:16 <b>once</b> 26:24, 27:13, 40:7, 137:14,
<b>O</b>			
<b>o'brien</b> 74:6, 75:5, 78:11, 78:12,			



Transcript of Thomas Kelly  
Conducted on July 14, 2020

72

179:17 <b>one</b> 13:1, 15:6, 18:1, 18:20, 18:24, 34:1, 43:3, 44:8, 47:12, 48:4, 59:11, 60:11, 70:19, 72:23, 77:1, 82:17, 83:16, 87:7, 87:16, 91:10, 95:11, 98:2, 108:10, 109:3, 111:6, 111:9, 112:1, 112:2, 114:9, 114:21, 120:19, 122:24, 126:8, 128:3, 134:16, 136:11, 144:20, 144:21, 146:22, 147:12, 149:22, 154:23, 156:17, 161:12, 164:16, 165:23, 166:3, 167:14, 168:16, 169:19, 176:5, 179:24, 180:22, 185:1 <b>one-way</b> 24:19 <b>ones</b> 78:9, 136:5 <b>only</b> 9:23, 24:11, 43:6, 44:12, 52:2, 76:19, 77:1, 83:16, 86:4, 112:2, 133:5, 136:5, 136:10, 147:17, 147:23, 161:11, 164:16, 176:12, 179:10 <b>ooh</b> 102:3 <b>open</b> 87:1, 87:4,	106:8, 106:10, 126:9, 126:16, 127:12, 171:22, 172:3 <b>operations</b> 15:4, 26:9, 79:19 <b>opinion</b> 22:12, 148:15, 148:19, 148:23, 167:1 <b>opportunities</b> 30:21, 30:23 <b>opportunity</b> 119:9, 147:22, 175:7, 182:22, 183:4 <b>opposed</b> 63:19, 91:13 <b>ops</b> 26:21 <b>oral</b> 150:6, 150:7 <b>orally</b> 120:16, 121:15, 122:1, 122:23 <b>order</b> 150:5, 155:21 <b>ordered</b> 119:22 <b>ordering</b> 119:21 <b>original</b> 140:13 <b>originally</b> 31:16 <b>originals</b> 141:11 <b>other</b> 12:15, 18:1, 18:6, 18:7, 18:24, 19:9, 22:23, 23:10, 23:19, 24:10, 28:17, 34:17, 42:8, 42:16, 46:12, 49:11, 58:23, 63:14,	63:17, 64:6, 64:19, 65:5, 68:8, 69:4, 69:9, 69:12, 70:18, 76:13, 79:20, 82:19, 83:19, 96:24, 108:11, 116:21, 122:21, 122:24, 141:17, 146:22, 149:12, 149:19, 157:23, 159:12, 159:15, 160:8, 160:22, 162:23, 164:3, 164:7, 164:10, 164:13, 167:17, 171:4, 171:6, 176:12, 176:21, 180:1, 185:2 <b>others</b> 79:6, 79:12, 109:4, 110:23 <b>otherwise</b> 50:21, 189:14 <b>out</b> 15:6, 15:9, 15:11, 15:12, 24:22, 32:11, 45:6, 60:3, 66:2, 66:20, 73:15, 81:4, 87:15, 92:18, 92:24, 93:2, 93:17, 94:3, 97:17, 97:19, 100:2, 100:6, 102:4, 128:2, 138:10, 138:15, 161:14, 162:23, 175:9 <b>outcome</b> 154:17, 155:3, 189:15 <b>outcry</b> 91:6, 91:9, 171:1, 174:12 <b>outline</b> 64:12, 64:18	<b>outside</b> 69:5, 78:21, 78:22, 156:21 <b>over</b> 7:18, 7:20, 9:8, 22:21, 25:15, 34:4, 73:10, 82:7, 83:5, 83:14, 146:10, 156:5, 162:19, 162:24, 176:5, 186:17 <b>overtime</b> 30:22, 30:24, 31:5, 31:8, 31:13, 31:15, 31:20, 32:5, 32:20, 92:13, 92:16, 159:3 <b>overturned</b> 70:14 <b>own</b> 8:13, 32:15, 32:16, 32:21, 93:13, 103:13, 140:21, 171:5 <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <b>pad</b> 84:8 <b>page</b> 1:13, 2:1, 5:2, 5:14, 46:24, 47:5, 47:6, 48:11, 52:11, 53:4, 56:15, 56:16, 57:1, 99:21, 100:17, 109:17, 109:21, 112:11, 116:5, 116:7, 117:2, 118:13, 118:22, 118:24, 119:7, 120:8, 121:20, 122:9, 146:20, 169:20, 171:15 <b>pages</b> 1:23, 47:6,
--	--	--	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

73

119:7, 119:8, 169:9, 176:6 <b>paid</b> 16:14, 155:5 <b>pain</b> 11:16, 116:17 <b>paladino</b> 33:15, 33:16, 33:19, 34:3, 34:15, 88:17, 88:18, 97:12 <b>paladinos</b> 33:22 <b>panicked</b> 122:7 <b>paper</b> 84:8, 92:24 <b>paperwork</b> 37:3, 37:6, 139:8, 139:10 <b>paragraph</b> 117:14, 118:12 <b>paragraphs</b> 121:8 <b>pardon</b> 155:3 <b>park</b> 105:6, 105:10, 148:11, 154:24 <b>parked</b> 24:22 <b>part</b> 22:11, 37:4, 37:6, 45:10, 47:8, 52:7, 116:21, 140:3, 140:10, 151:9, 155:11, 155:12, 155:14, 183:2 <b>parted</b> 73:16 <b>participate</b> 17:3, 176:9 <b>participated</b> 95:21, 96:1, 96:6 <b>particular</b> 15:11, 61:12,	62:20, 101:20, 124:18, 138:9, 144:20, 174:20 <b>parties</b> 189:13 <b>partner</b> 32:24, 33:3, 33:5, 33:8, 33:14, 33:19, 71:17, 73:6, 88:16, 97:11, 97:19 <b>partnered</b> 33:17 <b>partners</b> 33:10, 34:17, 98:2, 153:4, 153:8 <b>party</b> 8:16, 79:1, 80:15, 80:18, 81:3, 81:19 <b>passed</b> 24:8 <b>patricia</b> 112:19 <b>patrol</b> 20:9, 20:18, 26:11, 62:22 <b>patrolled</b> 20:17 <b>patrolling</b> 20:22 <b>pause</b> 48:6, 50:12, 82:11, 112:14, 117:16 <b>paying</b> 98:10 <b>penalties</b> 6:6 <b>penalty</b> 96:15 <b>pending</b> 12:1 <b>people</b> 19:9, 19:14, 24:11, 27:18,	28:17, 41:23, 42:6, 49:12, 76:13, 79:5, 82:5, 82:7, 82:16, 83:13, 83:14, 97:7, 102:5 <b>people's</b> 41:21 <b>perceive</b> 41:23 <b>percent</b> 20:20, 20:21 <b>perfectly</b> 134:10, 136:4 <b>period</b> 153:4 <b>perjury</b> 6:6, 96:15 <b>permanent</b> 57:7 <b>perpetrator</b> 43:6, 44:13 <b>person</b> 24:10, 25:13, 41:11, 62:11, 67:13, 67:14, 76:19, 86:5, 156:23, 157:10, 158:13, 158:15, 158:20, 161:23, 166:11, 172:22 <b>person's</b> 161:14 <b>personal</b> 88:4, 136:24 <b>personnel</b> 25:5, 66:4, 66:5, 117:1 <b>persons</b> 101:24 <b>pertaining</b> 184:14 <b>peruses</b> 117:21, 118:7, 118:15, 119:2 <b>phone</b> 105:3, 164:9,	164:12 <b>photo</b> 82:14, 83:7, 84:7 <b>photograph</b> 81:21, 82:3, 82:5 <b>photographs</b> 68:10 <b>phrased</b> 49:14, 49:17 <b>phrasing</b> 51:19 <b>physical</b> 71:1, 71:22, 71:24, 73:24, 75:8, 75:17, 77:13, 97:8 <b>physically</b> 24:24, 94:8, 98:4 <b>picture</b> 177:20 <b>piece</b> 186:8 <b>pill</b> 60:19 <b>pipe</b> 84:19, 89:21, 89:22, 90:5, 90:9 <b>place</b> 86:23, 87:3, 87:22, 91:22, 157:18, 163:11 <b>places</b> 66:1 <b>plaintiff</b> 2:4, 3:3, 3:9, 6:13, 6:14 <b>plaintiffs</b> 1:7 <b>planning</b> 15:4 <b>plate</b> 160:20 <b>plates</b> 160:23
--	---	--	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

74

<p><b>playing</b> 115:13 <b>pleadings</b> 152:3 <b>please</b> 6:2, 7:6, 10:20, 11:21, 24:15, 36:10, 43:23, 47:2, 50:21, 51:14, 59:12, 117:23, 131:5, 144:15, 184:11 <b>plus</b> 123:19 <b>point</b> 40:7, 57:10, 66:23, 93:17, 103:16, 114:21, 135:1, 135:10, 136:11, 139:11, 150:8, 172:10, 181:21 <b>pointed</b> 124:16 <b>pointing</b> 52:10 <b>points</b> 41:24, 66:1 <b>pole</b> 83:15 <b>police</b> 1:9, 3:16, 16:9, 16:12, 17:12, 17:16, 17:18, 17:20, 18:8, 19:3, 22:10, 22:14, 28:16, 36:13, 37:2, 37:4, 37:7, 44:8, 45:11, 46:9, 53:7, 54:16, 57:14, 58:10, 58:15, 58:16, 58:23, 59:14, 59:15, 60:2, 60:4, 60:5,</p>	<p>61:5, 80:6, 84:3, 85:21, 90:13, 95:12, 96:24, 106:18, 120:9, 122:19, 123:22, 125:6, 138:3, 140:4, 140:10, 141:8, 143:8, 143:18, 143:19, 143:22, 144:2 <b>policeman</b> 58:11 <b>policing</b> 123:19 <b>policy</b> 151:4 <b>polygraph</b> 22:16, 22:18, 22:21, 23:21, 23:24, 24:3, 24:5, 24:6, 24:8, 61:22, 62:3, 62:9, 166:6, 166:16, 166:19, 166:23, 167:2, 167:6 <b>poorly</b> 93:16 <b>portion</b> 37:11, 105:21, 117:8 <b>portion's</b> 119:7 <b>portions</b> 94:10, 115:21, 116:21, 119:13 <b>posed</b> 11:2, 137:16 <b>posing</b> 173:9 <b>position</b> 134:4, 135:8 <b>positive</b> 149:11, 150:9 <b>possibility</b> 58:6, 58:8 <b>possible</b> 65:24, 78:6,</p>	<p>167:2 <b>possibly</b> 16:15, 26:22, 38:4, 40:23, 94:9, 144:21 <b>post</b> 16:7 <b>post-high</b> 17:7 <b>pounds</b> 72:5 <b>powers</b> 22:20, 64:18 <b>practice</b> 38:8, 53:21, 55:10, 85:17, 86:7, 86:8, 86:9, 103:5, 103:8, 127:22, 157:8, 157:24, 173:18, 174:6, 174:9, 175:10, 175:16, 179:11, 180:16, 180:17, 181:4, 181:8, 181:19, 181:20, 183:8, 183:14, 184:2, 184:12, 184:21 <b>prefer</b> 132:19 <b>preference</b> 133:2, 136:24 <b>preferred</b> 30:17 <b>preliminary</b> 64:21, 64:22, 116:21 <b>premise</b> 133:9 <b>prep</b> 16:3 <b>preparation</b> 54:17, 68:5, 176:20 <b>prepare</b> 66:15, 67:1, 68:2, 146:16</p>	<p><b>prepared</b> 68:6 <b>prepared"</b> 48:17 <b>preprinted</b> 38:18 <b>prescribed</b> 12:20, 31:10, 31:11 <b>presence</b> 59:21, 69:5, 98:3 <b>present</b> 67:11, 69:8, 69:10, 69:13, 84:23, 85:1, 85:6, 85:10, 85:14, 85:16, 85:18, 94:8, 94:14, 95:6, 95:18, 96:10, 96:17, 97:2, 97:7, 98:4, 98:16, 178:8, 178:10, 182:13 <b>pressured</b> 39:13 <b>presume</b> 84:2, 84:4, 182:5, 183:2 <b>presuming</b> 87:17, 87:19 <b>pretty</b> 110:24, 132:15 <b>previous</b> 2:1 <b>previously</b> 26:17, 81:13, 117:11, 141:15, 142:13 <b>prior</b> 23:5, 28:16, 29:11, 47:21, 47:24, 56:20, 68:2, 79:13, 114:7, 152:19, 152:20, 172:18 <b>prison</b> 148:7</p>
--	--	--	--

Transcript of Thomas Kelly  
Conducted on July 14, 2020

75

<b>privilege</b> 50:20	<b>provide</b> 44:11, 122:11, 142:15	172:10, 173:18	144:16, 146:19, 162:14, 163:24, 165:24, 174:1, 182:12, 183:18, 184:10, 185:1
<b>probably</b> 14:8, 32:9, 71:3, 72:24, 75:19, 77:16, 80:16, 81:3, 81:18, 89:24, 90:1, 91:16, 149:10, 156:16, 162:15	<b>provided</b> 42:24, 48:20, 49:9, 58:5, 58:9, 60:7, 60:17, 63:2, 64:17, 65:2, 104:24, 105:9, 121:4, 131:1, 146:21, 182:22	<b>putting</b> 9:1	<b>questioned</b> 120:9
<b>problem</b> 49:15, 51:13, 52:2, 134:1, 137:21, 143:14	<b>provides</b> 121:12, 122:12	<b>Q</b>	<b>questioning</b> 53:9, 91:13
<b>procedure</b> 11:19, 12:14, 108:8, 162:16	<b>providing</b> 122:19, 124:18, 137:23	<b>qualified</b> 27:18	<b>questions</b> 10:20, 40:8, 40:9, 55:18, 99:7, 120:1, 126:8, 131:2, 135:12, 142:9, 143:5, 143:9, 160:8, 160:14, 166:3, 167:17, 168:9, 169:7, 170:19, 173:9, 177:2, 177:6, 181:11, 186:4
<b>procedures</b> 159:4	<b>province</b> 14:8	<b>question</b> 10:1, 10:10, 10:11, 10:16, 10:21, 10:23, 11:1, 11:2, 11:24, 23:6, 23:9, 23:11, 23:12, 34:6, 34:13, 36:7, 36:21, 38:11, 39:1, 41:5, 41:18, 43:22, 49:14, 49:17, 49:20, 50:2, 50:4, 50:7, 50:9, 50:16, 50:24, 51:12, 51:16, 51:19, 51:23, 54:4, 54:6, 59:10, 66:17, 66:19, 66:22, 70:2, 76:24, 91:10, 93:16, 102:22, 110:2, 123:20, 125:15, 125:19, 125:20, 126:11, 127:4, 127:5, 127:7, 127:9, 127:19, 128:23, 129:15, 130:13, 131:3, 131:8, 131:11, 131:13, 131:24, 132:18, 132:20, 132:22, 133:5, 133:10, 133:12, 133:15, 134:3, 134:5, 134:10, 135:4, 142:3, 142:4, 142:24, 144:14,	<b>quick</b> 8:4, 167:18
<b>proceed</b> 9:6, 51:10, 160:15	<b>public</b> 2:17, 189:1, 189:4, 189:24		<b>quickly</b> 99:8
<b>proceeding</b> 6:8, 9:24	<b>punching</b> 149:22		<b>quiet</b> 23:5
<b>process</b> 64:3, 161:8	<b>punishment</b> 22:12, 152:17		<b>quit</b> 51:11
<b>produced</b> 53:3	<b>purnell</b> 154:11, 154:18, 155:5, 155:7, 155:16, 155:19, 155:24, 156:4, 156:11		<b>quite</b> 58:6, 162:24, 163:2
<b>productivity</b> 95:12	<b>purpose</b> 104:20, 172:10		<b>R</b>
<b>progress</b> 104:19, 104:20	<b>purposes</b> 175:19		<b>rachel</b> 3:11
<b>promoted</b> 27:9, 27:17	<b>pursuant</b> 2:16		<b>ran</b> 24:21, 120:19, 122:7
<b>promotion</b> 79:1, 81:12	<b>pursue</b> 17:4		<b>range</b> 47:2, 75:19
<b>proper</b> 129:5, 133:12, 133:15, 135:4, 159:4	<b>push</b> 106:9		<b>rank</b> 15:22
<b>prosecution</b> 93:21	<b>put</b> 8:3, 47:18, 55:13, 85:15, 93:15, 94:9, 94:11, 94:20, 150:12, 161:14,		<b>raring</b> 89:11
<b>prosecutor</b> 78:5			<b>rather</b> 10:2, 84:20
<b>protection</b> 63:18, 63:22			
<b>provi</b> 58:4			

Transcript of Thomas Kelly  
Conducted on July 14, 2020

76

<b>rd</b> 24:20 <b>reach</b> 66:2, 156:24 <b>reached</b> 8:15, 81:4 <b>read</b> 38:18, 38:21, 44:3, 48:22, 59:20, 78:8, 79:6, 102:6, 102:17, 105:19, 106:15, 106:19, 107:1, 107:6, 115:12, 115:22, 117:5, 117:7, 119:6, 119:9, 131:5, 131:9, 146:10, 175:8, 175:11, 175:16, 176:5, 179:8, 179:23, 181:6, 181:16, 188:4 <b>reading</b> 86:16, 102:13, 102:20, 105:18, 117:20, 119:12, 167:15, 189:11 <b>reads</b> 105:22, 106:1, 121:20 <b>ready</b> 89:9 <b>real</b> 8:4 <b>reality</b> 133:22 <b>realize</b> 148:13, 150:21 <b>really</b> 72:24, 75:4, 83:16, 84:21, 100:8, 102:8, 133:6, 135:2 <b>reask</b> 10:21, 23:9 <b>reason</b> 21:10, 39:14,	93:11, 142:16, 171:5, 171:6, 183:2, 183:7 <b>reasons</b> 39:9 <b>reassigned</b> 22:11 <b>recall</b> 14:6, 33:11, 34:13, 37:14, 37:17, 49:5, 57:17, 57:20, 58:1, 63:6, 65:3, 66:10, 66:12, 73:22, 74:5, 74:11, 75:4, 77:19, 78:6, 80:16, 80:22, 81:10, 84:19, 86:22, 87:9, 87:15, 89:17, 90:2, 91:1, 92:10, 102:2, 102:21, 103:15, 107:19, 111:18, 111:20, 120:2, 126:11, 138:12, 138:13, 138:16, 139:24, 140:19, 141:13, 141:22, 143:6, 143:12, 144:3, 144:6, 153:24, 154:1, 155:1, 155:15, 155:16, 155:19, 155:24, 156:4, 156:22, 159:2, 161:3, 161:4, 162:13, 162:15, 163:3, 163:15, 165:21, 166:15, 169:19, 170:21, 171:10, 172:12, 177:15, 179:6, 180:17, 182:20 <b>recalled</b> 177:18	<b>receive</b> 36:1 <b>received</b> 52:14, 53:20, 54:15, 66:8, 124:15, 152:17, 161:18, 167:14 <b>receiving</b> 162:4 <b>recess</b> 60:24, 101:12, 145:4 <b>recognize</b> 83:6, 83:14, 83:19, 109:5, 109:13, 109:16, 109:19, 109:22, 109:23, 110:4, 110:7, 110:10, 110:13, 110:16, 110:19, 111:5, 111:12, 112:7, 112:20, 112:23, 113:8, 113:9, 113:11, 113:13, 113:15, 113:17, 113:19, 113:21, 113:23, 114:1, 114:4, 177:21 <b>recollection</b> 16:20, 24:8, 25:22, 35:1, 48:23, 57:7, 57:12, 84:16, 86:3, 86:10, 87:5, 87:11, 92:4, 102:10, 102:23, 103:2, 103:9, 108:2, 108:10, 117:9, 119:14, 119:17, 119:20, 119:24, 126:13, 127:13, 137:19, 146:12, 153:15, 163:10, 163:17, 164:5, 171:20, 176:18 <b>recollections</b> 115:24	<b>record</b> 7:7, 8:4, 8:13, 9:2, 46:21, 47:18, 50:19, 51:5, 51:15, 53:3, 53:19, 56:24, 57:8, 58:9, 60:1, 60:6, 60:23, 61:2, 63:2, 101:14, 130:24, 131:9, 132:6, 134:21, 145:6, 150:15, 151:24, 152:12, 161:20, 161:22, 169:9, 187:1, 189:8 <b>recorded</b> 8:18, 8:19 <b>recording</b> 8:11, 8:15 <b>records</b> 58:3, 58:16, 58:23, 58:24, 59:14, 59:15, 61:5, 100:3, 102:4, 152:2, 161:9, 162:7, 162:17, 163:12 <b>recover</b> 90:20 <b>recovered</b> 66:5, 90:11 <b>rectangular</b> 156:17 <b>redacted</b> 152:3 <b>reduced</b> 189:10 <b>refer</b> 71:7, 71:24, 138:23 <b>referencing</b> 186:8 <b>referred</b> 86:14, 92:23, 114:20 <b>referring</b> 11:14, 52:14,
--	--	---	---



Transcript of Thomas Kelly  
Conducted on July 14, 2020

77

86:13, 186:7 <b>refers</b> 52:11 <b>refresh</b> 84:16, 87:10, 119:14, 119:17, 119:20, 119:24 <b>refreshed</b> 155:1 <b>refreshes</b> 115:24, 117:9, 146:11 <b>refuse</b> 142:24, 143:4 <b>refused</b> 142:3, 142:4, 143:9, 173:8, 173:19 <b>refusing</b> 142:9 <b>regan</b> 29:6 <b>regard</b> 41:11, 63:10 <b>regarding</b> 46:12, 54:16, 57:6, 58:4, 60:15, 68:6, 93:19, 140:22, 153:15, 153:21 <b>regardless</b> 125:21 <b>regular</b> 32:24, 33:2, 62:22, 65:11, 79:4 <b>regulation</b> 157:3 <b>regulations</b> 143:19, 143:22 <b>reinvestigation</b> 149:4 <b>related</b> 81:13, 162:8, 164:3, 166:3, 189:12 <b>relation</b> 166:17, 176:22	<b>relative</b> 174:13 <b>released</b> 148:6 <b>reliability</b> 43:3, 44:9 <b>reliable</b> 42:24, 44:21 <b>relieved</b> 31:23 <b>religious</b> 137:2 <b>relying</b> 10:2, 86:5 <b>remain</b> 20:4, 21:24, 152:6 <b>remained</b> 120:20 <b>remember</b> 17:2, 27:1, 27:4, 34:14, 36:15, 37:21, 60:9, 60:10, 60:14, 77:22, 84:20, 84:22, 86:15, 86:19, 127:5, 127:7, 144:8, 144:18, 144:20, 149:15, 149:18, 154:11, 154:13, 176:6, 177:19, 180:14, 185:14 <b>remind</b> 54:19 <b>rental</b> 66:9 <b>repeat</b> 43:22, 125:3, 144:15 <b>repeating</b> 130:1 <b>rephrase</b> 10:20, 36:9, 182:12 <b>report</b> 64:22, 65:11,	65:14, 66:7, 93:6, 93:12, 93:14, 93:19, 94:7, 94:9, 94:12, 94:17, 94:19, 95:2, 96:4, 96:14, 97:3, 97:9, 97:20, 97:23, 98:3, 98:6, 100:18, 101:1, 101:6, 104:19, 104:21, 108:12, 115:15, 115:21, 115:23, 116:1, 116:22, 117:8, 119:7, 119:8, 119:13, 121:1, 121:8, 121:11, 121:20, 122:13, 148:12, 150:7, 151:7, 151:17, 153:14, 153:20, 186:8 <b>reported</b> 1:24 <b>reporter</b> 2:17, 6:2, 6:4, 10:17, 23:1, 34:7, 39:22, 59:3, 94:24, 98:11, 126:23, 131:5, 134:24, 136:8, 145:16, 182:1, 189:1, 189:4 <b>reporter's</b> 8:20 <b>reports</b> 64:13, 68:12, 68:15, 68:20, 92:18, 94:3, 97:17, 98:14, 102:15, 102:24, 103:4, 103:18, 119:21, 141:8, 176:5, 176:10 <b>reprehensible</b> 39:10	<b>represent</b> 71:23, 108:24, 160:12 <b>represented</b> 53:19 <b>represents</b> 23:16, 43:17 <b>reprimanded</b> 159:2 <b>republic</b> 15:7 <b>request</b> 100:3, 100:4, 100:7, 100:17, 101:1, 101:6, 101:17, 103:14 <b>requested</b> 101:21, 103:17, 131:9, 162:7, 189:11 <b>requesting</b> 102:24, 161:8 <b>requests</b> 103:9, 176:15 <b>require</b> 132:15, 134:5, 134:8, 180:20 <b>required</b> 64:21, 65:9, 65:10, 65:12, 65:14, 157:3, 165:3, 184:22 <b>requirements</b> 64:12 <b>reserve</b> 186:15 <b>resided</b> 101:22, 102:3, 102:7 <b>residents</b> 159:7 <b>resource</b> 64:16 <b>respond</b> 62:17, 137:17 <b>responding</b> 179:16 <b>response</b> 9:20, 41:16,
--	---	--	--

Transcript of Thomas Kelly  
Conducted on July 14, 2020

78

126:8, 131:10 <b>responsive</b> 132:4 <b>rest</b> 120:21 <b>restrained</b> 158:16 <b>restroom</b> 156:2 <b>result</b> 41:21, 152:18 <b>results</b> 23:21, 27:15, 27:18, 62:11 <b>retail</b> 18:24 <b>retire</b> 35:7 <b>retired</b> 35:22, 80:5, 80:24, 150:8, 151:19, 152:19, 153:7 <b>retirement</b> 35:2, 35:5, 35:9, 35:15, 35:23, 79:1, 80:15, 81:12, 150:11 <b>return</b> 162:4 <b>reveal</b> 44:10 <b>review</b> 68:4, 68:8, 68:10, 68:12, 68:22, 77:23, 78:3, 138:18, 139:3, 139:5, 141:2, 141:10, 162:21, 163:4, 163:11, 182:18, 182:22, 183:4, 183:9, 183:15, 184:13 <b>reviewed</b> 84:14, 115:16, 176:19	<b>reviewing</b> 98:8, 98:13 <b>rfc</b> 98:24, 99:1, 109:2, 109:6, 109:12, 109:21, 109:24, 110:2, 110:5, 110:8, 110:11, 110:14, 110:17, 111:4, 115:15, 116:5, 146:8 <b>rfc1</b> 108:22, 115:4 <b>rfc2</b> 109:16 <b>rich</b> 33:15, 33:16, 33:19, 34:3, 34:15, 88:17, 88:18 <b>ridges</b> 100:13, 100:14 <b>right-hand</b> 151:15 <b>rights</b> 38:17, 38:22, 38:24, 172:18 <b>riley</b> 34:19, 97:12, 154:19 <b>ring</b> 156:18, 157:17, 158:16 <b>road</b> 3:6, 66:3 <b>rock</b> 3:20, 67:15 <b>roger</b> 34:23, 149:19 <b>rogers</b> 153:11 <b>role</b> 15:15, 176:8, 176:21 <b>roll</b> 48:22 <b>room</b> 156:21, 156:24,	157:5, 157:11, 157:18, 157:19, 158:2, 158:15, 158:21, 167:23, 168:2, 168:6, 172:8, 172:11, 172:17, 178:10 <b>rooms</b> 156:8, 156:14, 158:12 <b>roughly</b> 80:10 <b>rule</b> 150:4, 150:6, 151:2 <b>rules</b> 7:20, 9:9, 132:15, 136:10, 143:18, 143:22 <b>run</b> 59:11 <b>runner</b> 111:16, 111:22 <b>running</b> 121:5 <b>runs</b> 121:17, 123:2 <b>russ</b> 169:11 <b>russell</b> 3:10, 8:1, 9:11, 47:1, 47:9, 51:5, 99:2, 116:16, 128:23, 129:5, 129:21, 133:23, 135:24, 151:22, 168:14, 170:5, 186:17 <b>russell's</b> 136:11, 169:13 <b>ryan</b> 4:13	149:8 <b>s-z-u-d-a-r-s-k-i</b> 149:21 <b>said</b> 9:12, 9:14, 24:23, 32:13, 51:4, 59:24, 66:24, 67:19, 86:8, 98:9, 121:1, 130:2, 132:12, 134:6, 166:2, 166:5, 177:6, 177:18, 178:15, 178:19, 189:9 <b>same</b> 10:14, 19:9, 19:10, 19:15, 21:24, 26:7, 26:17, 39:23, 48:1, 51:20, 59:16, 69:22, 71:17, 73:7, 75:1, 79:14, 97:1, 110:2, 123:5, 124:2, 124:19, 125:2, 128:19, 129:18, 130:8, 131:24, 136:19, 137:22, 137:23, 157:24, 163:24, 164:1, 174:21, 184:16, 188:5 <b>satisfy</b> 135:16 <b>saw</b> 24:17, 79:23, 80:1, 80:13, 80:14, 80:21, 106:13, 120:9, 120:12, 122:5, 148:8, 148:12 <b>say</b> 10:4, 11:13, 16:15, 19:23, 19:24, 20:20, 21:15, 25:15,
---	---	--	--

Transcript of Thomas Kelly  
Conducted on July 14, 2020

79

25:16, 31:5, 32:11, 32:14, 41:10, 41:20, 42:21, 44:17, 44:23, 45:7, 45:8, 45:9, 45:24, 47:16, 54:17, 55:10, 63:15, 63:23, 66:7, 72:4, 73:16, 74:11, 76:8, 79:2, 79:9, 86:2, 86:4, 90:1, 96:5, 96:6, 108:6, 112:2, 120:11, 120:18, 122:4, 122:7, 129:24, 136:12, 138:8, 141:16, 146:22, 156:13, 157:21, 161:1, 166:4, 169:24, 171:12, 171:13, 172:2, 178:14, 178:17, 178:18, 178:22 <b>saying</b> 10:3, 23:3, 24:12, 24:13, 48:1, 51:1, 51:2, 57:24, 58:2, 58:17, 58:18, 58:22, 59:13, 59:19, 61:14, 96:11, 122:18, 125:16, 125:19, 125:20, 130:1, 133:17, 137:20, 143:11, 153:24, 166:9, 171:16, 177:15 <b>says</b> 48:16, 53:5, 106:21, 107:3, 120:9, 121:1, 121:3, 122:10, 132:8, 151:14	<b>scan</b> 170:10 <b>scared</b> 123:1 <b>scenarios</b> 137:16 <b>scene</b> 42:17, 44:10, 63:19, 81:22, 90:8, 90:10, 90:14, 90:21, 98:16, 115:17, 120:20, 122:8, 153:22 <b>school</b> 15:24, 16:2, 16:5, 16:7, 17:7, 27:22, 28:1, 28:4, 28:7, 37:15, 37:24, 38:3 <b>screen</b> 46:15 <b>scroll</b> 116:19, 146:15 <b>scrolls</b> 116:7 <b>seal</b> 189:17 <b>seat</b> 25:1 <b>seated</b> 87:7 <b>second</b> 46:4, 48:4, 86:24, 87:1, 87:3, 107:3, 126:10, 126:17, 127:11, 168:17, 172:1, 172:3, 180:7 <b>section</b> 115:21, 116:20, 161:17 <b>secure</b> 157:17 <b>security</b> 105:12	<b>see</b> 18:21, 24:10, 25:14, 41:19, 44:11, 46:22, 47:16, 48:10, 48:13, 48:14, 48:17, 52:5, 53:5, 56:16, 56:17, 62:17, 62:24, 63:4, 80:20, 82:2, 82:4, 82:5, 82:9, 82:15, 83:8, 83:12, 84:4, 84:11, 98:15, 100:18, 101:1, 101:7, 101:8, 101:23, 104:2, 104:4, 105:17, 106:4, 110:22, 115:23, 117:2, 120:8, 120:22, 120:23, 140:20, 151:13, 169:8, 169:13, 169:14, 170:15, 170:16, 177:11, 177:17 <b>seeing</b> 121:4 <b>seem</b> 30:16, 47:19 <b>seemed</b> 28:18 <b>seen</b> 53:8, 71:24, 80:23, 99:13, 99:15, 99:18, 114:8, 143:17, 169:5 <b>sees</b> 121:12, 122:21 <b>self</b> 93:13 <b>seminar</b> 63:3, 63:7 <b>send</b> 47:24, 61:22,	186:17, 186:21, 186:22 <b>sending</b> 44:22 <b>sense</b> 45:16 <b>sent</b> 47:9, 47:13, 47:17, 47:21, 161:18, 164:18, 164:20 <b>separate</b> 124:1 <b>sergeant</b> 32:2, 32:7, 32:9, 32:10, 100:10, 100:13, 107:11, 107:16, 107:17, 107:20, 108:3, 108:9, 138:9, 174:7 <b>sergeant's</b> 137:11, 138:5, 138:7, 140:11 <b>series</b> 166:3 <b>serve</b> 13:15, 13:19, 14:9, 17:16, 26:20, 35:4 <b>served</b> 13:12, 13:17, 14:2, 34:4 <b>service</b> 14:14 <b>set</b> 189:16 <b>seven</b> 15:17, 19:12, 19:15 <b>several</b> 11:10, 16:10, 17:14, 21:20, 33:11, 33:18, 67:20, 90:3, 105:22 <b>sex</b> 121:16, 122:22,
---	--	---	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

80

123:1 <b>shape</b> 73:14, 111:15 <b>share</b> 103:22, 108:22, 115:12 <b>sharing</b> 150:14, 151:11 <b>sheet</b> 188:8 <b>shift</b> 103:17 <b>shirt</b> 83:10 <b>shoes</b> 55:13 <b>shoot</b> 150:14 <b>shooting</b> 153:23, 154:23 <b>shoplifter</b> 63:20 <b>shoplifting</b> 64:3 <b>short</b> 60:24, 101:12, 120:14, 145:4, 171:14, 171:16 <b>shorthand</b> 2:17, 189:3 <b>shortly</b> 19:11, 47:17 <b>shortness</b> 11:15 <b>shot</b> 45:1, 45:6 <b>should</b> 138:8, 150:15, 166:4 <b>show</b> 46:2, 46:13, 46:15, 81:20, 95:12, 95:21, 95:24, 98:19, 115:10, 115:20, 116:5, 134:22, 139:8, 139:10, 141:20, 146:2,	151:12 <b>showed</b> 114:9, 141:14, 177:20 <b>showing</b> 71:7, 112:5, 114:22 <b>shown</b> 176:3 <b>shows</b> 116:8, 116:11 <b>shrink</b> 72:7 <b>sic</b> 109:6 <b>side</b> 82:13, 82:17, 136:11 <b>sight</b> 29:10 <b>sign</b> 31:19, 31:22, 31:24, 107:11, 138:11, 138:14, 161:15 <b>signature</b> 100:9, 100:10, 107:8, 111:8, 112:10, 113:3, 186:16, 188:13 <b>signature-xzw</b> 189:21 <b>signed</b> 85:5, 96:14, 97:23, 100:12, 139:19, 140:7, 140:8, 188:8 <b>signing</b> 189:11 <b>similar</b> 122:23, 123:24 <b>similarly</b> 14:18 <b>simply</b> 40:11, 42:19, 50:21, 127:21 <b>simultaneous</b> 113:5, 134:14,	136:8 <b>since</b> 18:6, 35:9, 69:12, 80:24, 81:5, 99:18, 174:11 <b>sister</b> 107:4 <b>sit</b> 27:8, 27:11, 55:12, 137:11, 139:13 <b>sitting</b> 87:16, 169:15, 169:18, 169:24, 170:20 <b>situation</b> 126:3, 131:18, 131:20, 137:8, 138:1 <b>situations</b> 60:12, 136:22 <b>six</b> 15:8, 33:4, 73:14, 74:1, 77:9, 77:15, 154:16 <b>six-foot</b> 75:9, 75:19 <b>six-four</b> 74:8, 112:3 <b>six-one</b> 74:1, 75:24, 77:9, 111:15 <b>six-oneish</b> 74:1 <b>six-three</b> 74:8, 112:3 <b>six-two</b> 111:15 <b>sketch</b> 13:24 <b>skip</b> 109:1 <b>sleep</b> 155:22 <b>slightly</b> 77:11, 156:13	<b>slip</b> 31:22, 41:22 <b>slow</b> 21:13 <b>smelled</b> 105:22 <b>social</b> 78:22, 105:12 <b>socialize</b> 78:10, 78:18, 79:2 <b>socialized</b> 79:3 <b>soft</b> 20:24 <b>some</b> 7:20, 10:21, 13:6, 16:21, 16:22, 28:17, 28:22, 40:8, 47:20, 51:24, 54:19, 59:13, 59:14, 60:9, 62:4, 62:5, 69:11, 99:7, 109:4, 116:6, 143:9, 156:17, 156:18, 162:23, 166:7, 170:19, 171:4, 171:5 <b>somebody</b> 44:22, 62:9, 65:3, 80:15, 91:13, 103:14, 123:17, 135:14, 142:23, 143:9 <b>somebody's</b> 42:18 <b>someone</b> 44:24, 48:22, 55:11, 55:12, 65:23, 138:24, 166:7, 171:8 <b>something</b> 9:3, 9:10, 9:16, 30:12, 31:19, 39:15, 48:22, 78:22,
---	--	--	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

81

81:11, 87:10, 96:21, 96:23, 105:22, 106:10, 137:1, 142:6 <b>sometime</b> 161:17 <b>sometimes</b> 31:4, 41:20, 42:6, 42:9, 94:3, 97:16, 97:19, 138:17, 139:13, 142:14, 142:17 <b>somewhat</b> 83:17 <b>somewhere</b> 84:21 <b>soon</b> 18:22 <b>sorry</b> 23:6, 28:21, 29:12, 34:11, 43:20, 47:4, 47:23, 49:3, 69:20, 78:11, 81:22, 83:2, 91:11, 104:6, 116:13, 121:24, 150:15, 154:9, 177:5 <b>sort</b> 47:20 <b>sotos</b> 4:6 <b>sound</b> 27:3, 71:19 <b>sounds</b> 186:2 <b>south</b> 14:7, 62:20 <b>sox</b> 148:11 <b>spanned</b> 119:8 <b>spates</b> 149:16, 153:12, 153:17, 153:21 <b>speak</b> 28:18, 49:11,	92:1, 92:5, 92:8, 125:23, 139:5, 171:3, 171:8, 172:21 <b>speaking</b> 50:17, 54:19, 55:14, 55:17, 91:3, 127:14, 129:22, 130:6, 170:21, 170:22, 185:6, 185:15 <b>spec</b> 133:14 <b>special</b> 26:8, 26:21, 79:19 <b>specialist</b> 15:23, 62:23 <b>specialists</b> 62:21 <b>specific</b> 46:10, 46:11, 103:8 <b>specifically</b> 37:14, 37:17, 66:11, 69:6, 92:6, 103:15, 153:19, 157:15, 166:13, 175:3 <b>speculate</b> 124:9, 124:11, 125:21, 126:4, 126:6, 128:12, 128:17, 129:9, 129:17, 130:11, 130:14, 131:11, 131:14, 131:19, 131:22, 132:8, 133:19, 134:6, 134:7, 135:14, 136:17, 136:21, 137:3, 137:9, 138:2, 147:6, 165:12, 165:13, 165:17, 165:20, 179:18, 180:21 <b>speculated</b> 126:15	<b>speculating</b> 102:1, 102:14, 179:13 <b>speculation</b> 42:3, 123:9, 124:3, 124:20, 125:8, 133:11, 133:15, 165:3, 165:7, 165:17, 173:3, 173:13, 185:12, 186:2, 186:7 <b>speed</b> 117:19 <b>spell</b> 7:6, 34:19 <b>spelled</b> 149:20 <b>spent</b> 19:15, 120:4 <b>spoke</b> 23:15, 81:8, 81:17, 104:23, 126:16, 171:10, 171:19, 172:13, 173:8, 185:8 <b>squad</b> 20:18, 20:22, 21:2, 25:1, 26:14 <b>squared</b> 20:9 <b>st</b> 86:24, 87:3, 126:10, 126:17, 127:12 <b>stabbed</b> 45:6 <b>stamped</b> 150:22 <b>stan</b> 76:3, 76:6, 76:19, 78:13 <b>standard</b> 108:8 <b>standing</b> 121:24, 122:6 <b>stands</b> 122:20	<b>star</b> 14:21, 14:23 <b>stare</b> 55:13 <b>start</b> 40:18, 136:1, 136:2 <b>started</b> 17:11, 71:19, 72:7, 174:16 <b>starting</b> 82:6, 82:13, 134:17 <b>state</b> 2:18, 7:6, 50:21, 51:15, 189:5 <b>state's</b> 4:10, 4:14, 43:18, 54:18, 55:18, 65:23, 77:20, 139:5, 139:15, 139:19, 140:9, 140:21, 141:7, 141:11, 149:3, 162:21, 177:12, 177:14 <b>stated</b> 38:20, 120:14 <b>statement</b> 25:15, 42:22, 43:4, 44:9, 44:17, 44:21, 122:14, 139:18, 140:7, 140:13, 141:15, 178:23, 182:11, 182:14, 182:18, 182:23, 183:5, 184:15 <b>statements</b> 42:24, 139:13, 141:12, 178:3, 178:11, 178:24, 181:22, 182:4, 182:21 <b>states</b> 1:1, 57:5 <b>statin</b> 13:7
---	---	---	--



Transcript of Thomas Kelly  
Conducted on July 14, 2020

82

<b>station</b> 108:15, 138:18 <b>stationed</b> 14:20 <b>stay</b> 23:4 <b>stayed</b> 26:23 <b>steve</b> 29:8 <b>still</b> 11:19, 31:17, 32:11, 124:19, 125:8, 167:12, 183:16 <b>stipulate</b> 6:3 <b>stolen</b> 66:10 <b>stop</b> 24:21, 130:17, 151:11 <b>stopped</b> 24:22 <b>stories</b> 41:21 <b>story</b> 121:12, 122:19 <b>straight</b> 77:16, 83:17 <b>street</b> 3:21, 4:16, 24:19, 106:24 <b>strike</b> 36:2, 90:12, 127:23, 174:1, 178:9, 182:11 <b>striking</b> 153:11 <b>struggling</b> 41:19 <b>stuff</b> 185:2 <b>submit</b> 176:15 <b>substantive</b> 135:5 <b>substantively</b> 132:17	<b>succinctly</b> 51:15 <b>suddenly</b> 16:12 <b>sued</b> 68:18, 69:13, 154:3, 154:15 <b>suggest</b> 24:5, 39:9, 49:2 <b>suggested</b> 65:12 <b>suggesting</b> 23:20, 49:4 <b>suggests</b> 85:22, 91:24 <b>suing</b> 154:11 <b>suite</b> 3:6, 3:21, 4:7 <b>suits</b> 88:4 <b>summary</b> 121:8, 175:15 <b>sun</b> 30:5 <b>superfluous</b> 135:2 <b>supervisor</b> 31:23, 91:16, 92:7, 107:12 <b>supervisors</b> 32:6 <b>supp</b> 68:12, 68:14, 68:20, 92:18, 93:6, 93:8, 93:11, 93:13, 93:19, 115:14, 115:17 <b>supplemental</b> 176:4, 176:9 <b>supplementary</b> 64:22 <b>supposed</b> 13:8, 89:14 <b>suppressed</b> 155:13	<b>sure</b> 7:16, 36:12, 41:8, 53:14, 59:13, 71:14, 71:21, 88:5, 90:6, 91:12, 99:9, 105:18, 111:20, 116:4, 132:15, 140:2, 140:7, 144:14, 147:20, 154:22, 169:1, 170:8, 172:7, 177:23 <b>surgery</b> 11:9 <b>surrounding</b> 103:3 <b>suspect</b> 38:13, 39:5, 39:6, 39:8, 39:14, 39:15, 41:12, 44:10, 44:11, 45:7, 97:8, 139:19, 140:8, 157:4, 157:6, 157:9, 158:13, 158:14, 167:23, 168:1, 168:5 <b>suspect's</b> 43:4, 44:9 <b>suspects</b> 38:3, 38:5, 38:9, 40:4, 61:22, 124:17, 127:24, 137:22, 139:14, 141:12, 158:1 <b>suspend</b> 151:19 <b>suspended</b> 22:10, 22:13, 144:5, 144:8, 144:19, 149:7, 149:9 <b>suspension</b> 25:17, 25:19 <b>suspensions</b> 149:12	<b>suspicious</b> 160:4 <b>sustained</b> 150:3, 150:24, 151:2, 151:6, 152:18, 152:24 <b>swearing</b> 6:3 <b>switch</b> 29:17, 156:24 <b>switched</b> 33:12 <b>switches</b> 156:20 <b>switching</b> 156:12 <b>sworn</b> 6:22, 7:3 <b>szudarski</b> 149:20, 152:17, 152:19, 153:11 <hr/> <b>T</b> <hr/> <b>t-h-o-m-a-s</b> 7:9 <b>take</b> 12:24, 13:6, 13:7, 13:8, 24:6, 36:4, 36:13, 42:14, 60:19, 61:22, 61:24, 62:2, 82:4, 99:5, 101:11, 117:18, 125:17, 130:20, 141:5, 141:8, 141:11, 144:12, 144:22, 147:19, 151:11, 157:13, 160:16, 180:11 <b>taken</b> 12:19, 13:9, 23:20, 24:11, 25:11, 82:3, 116:15, 156:2, 166:7, 166:14, 167:14, 181:22, 182:4, 182:10,
---	--	---	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

83

182:14, 189:7, 189:9 <b>taking</b> 11:6, 12:16, 12:23, 104:22, 138:10, 178:23, 181:1, 182:18 <b>talk</b> 69:1, 136:12, 152:16 <b>talked</b> 66:18, 69:4, 69:11, 69:15, 76:13, 81:2, 81:4, 117:11, 126:9, 171:1 <b>talking</b> 60:16, 69:7, 69:9, 83:9, 101:17, 113:7, 120:10, 127:11, 142:13, 171:6, 172:18, 174:22, 176:13 <b>tall</b> 77:8 <b>tallest</b> 74:13, 74:22, 112:1 <b>tan</b> 83:17 <b>task</b> 20:15, 20:16, 21:4, 21:8, 21:19, 21:24, 22:9, 31:9, 31:21 <b>tavern</b> 80:14 <b>taylor's</b> 148:24 <b>team</b> 15:10 <b>technical</b> 23:1 <b>tell</b> 32:10, 38:24, 39:3, 46:12,	52:3, 53:6, 54:3, 65:4, 65:7, 69:8, 72:24, 77:24, 82:8, 83:24, 84:5, 90:18, 112:13, 117:8, 121:2, 127:20, 138:9, 142:5, 143:10, 146:11, 147:12, 147:17, 147:23, 148:9, 151:12, 153:3, 159:21, 167:2, 169:10, 174:16, 179:7, 179:10, 179:20, 180:19 <b>telling</b> 22:17, 24:9, 49:11, 66:24, 102:2, 123:5, 123:24, 136:2 <b>tells</b> 121:10 <b>ten</b> 7:18, 90:19, 156:16, 156:17, 176:5 <b>tendency</b> 88:10 <b>testified</b> 7:3, 185:13 <b>testify</b> 11:8, 12:10, 12:16, 45:19, 54:18, 54:23, 55:6, 78:4, 88:8, 88:12 <b>testimony</b> 6:5, 46:10, 46:12, 59:6, 61:16, 68:23, 126:20, 127:16, 183:11, 183:17, 183:19, 188:5, 188:6, 189:9 <b>text</b> 164:18, 164:20	<b>th</b> 19:22, 22:5, 35:8, 57:4, 67:24, 80:9, 99:17, 106:24, 138:22, 189:17 <b>thank</b> 9:21, 23:18, 35:20, 47:14, 54:11, 60:22, 88:14, 96:2, 96:13, 118:6, 129:1, 129:23, 136:14, 152:14, 160:18, 168:21, 170:16, 180:6 <b>thanking</b> 96:3, 96:10, 97:3 <b>thanks</b> 9:17, 168:20, 169:2, 170:9, 170:13, 185:15, 186:16 <b>theft</b> 66:7 <b>themselves</b> 157:1, 157:21, 157:22 <b>thereafter</b> 189:10 <b>they'd</b> 15:8 <b>thin</b> 75:9, 75:12 <b>thing</b> 7:23, 48:1, 97:1, 104:6, 176:13 <b>things</b> 41:23 <b>think</b> 12:23, 16:24, 20:3, 24:20, 26:1, 26:7, 36:23, 41:4, 45:2, 51:22, 57:16, 58:6,	61:11, 62:8, 64:11, 67:22, 70:5, 70:11, 71:3, 71:6, 71:11, 72:4, 72:7, 72:8, 73:20, 74:1, 74:3, 75:4, 76:1, 77:5, 77:7, 80:14, 83:3, 88:17, 91:16, 92:13, 92:15, 92:17, 114:6, 132:24, 133:7, 133:10, 133:14, 133:17, 133:19, 133:20, 133:21, 133:22, 134:21, 135:11, 144:7, 144:17, 144:18, 144:20, 148:8, 149:14, 149:17, 150:8, 151:18, 154:23, 162:14, 164:15, 165:22, 166:22, 177:24 <b>thinking</b> 69:22, 102:3, 102:10 <b>third</b> 48:15, 88:23, 104:8, 104:11, 122:21 <b>thomas</b> 1:15, 2:11, 5:2, 6:9, 7:1, 7:9, 46:20, 188:3 <b>thomas"</b> 53:5 <b>thought</b> 47:23, 47:24, 62:5, 65:7, 105:22, 149:8 <b>threaten</b> 134:17, 134:22 <b>threatened</b> 135:2
---	---	---	--

Transcript of Thomas Kelly  
Conducted on July 14, 2020

84

<p><b>three</b> 13:16, 32:7, 48:19, 67:21, 82:6, 132:12, 133:12 <b>three-quarters</b> 171:15 <b>throat</b> 45:1, 45:2 <b>through</b> 70:23, 99:1, 99:8, 108:22, 114:21, 115:4, 117:7, 119:8, 159:4, 169:16 <b>throw</b> 162:23 <b>thumbnail</b> 13:24 <b>thursday</b> 1:17 <b>time</b> 7:17, 11:20, 15:8, 17:2, 19:9, 19:10, 19:15, 19:18, 19:21, 20:11, 20:20, 20:21, 21:23, 28:16, 30:13, 30:22, 31:6, 31:10, 31:11, 32:4, 32:14, 32:15, 32:16, 32:18, 32:20, 32:21, 36:24, 38:14, 40:23, 59:11, 71:10, 71:13, 72:23, 73:4, 73:8, 74:23, 75:14, 75:17, 77:22, 79:23, 80:1, 80:13, 80:21, 81:2, 81:7, 81:16, 86:9, 88:24, 89:3, 91:16, 91:19, 92:1,</p>	<p>99:5, 99:6, 100:8, 102:14, 116:9, 117:18, 120:14, 139:11, 149:8, 153:5, 158:20, 161:11, 162:4, 174:10, 174:21, 176:1, 179:11, 185:8 <b>time-due</b> 31:22 <b>times</b> 7:14, 27:8, 27:11, 88:2, 88:3, 90:17, 132:12, 133:13, 137:13, 144:1, 144:4, 144:8, 144:18, 154:14, 158:11, 162:20, 162:24, 163:2, 165:2 <b>timing</b> 47:22 <b>to-from</b> 153:14, 153:19 <b>today</b> 11:8, 12:11, 12:17, 12:20, 13:10, 88:8, 114:7, 126:7, 159:23, 169:6, 169:15, 169:17, 169:18, 169:24, 170:20, 176:4, 176:6 <b>today's</b> 106:1 <b>told</b> 12:6, 24:24, 25:8, 44:24, 65:8, 91:16, 101:23, 105:5, 106:17, 126:7, 127:10, 127:22, 128:1, 129:21, 130:1, 132:5, 132:7, 143:14,</p>	<p>153:2, 159:23, 166:24, 175:15 <b>tone</b> 130:20 <b>tony</b> 107:5 <b>took</b> 16:14, 16:21, 24:3, 24:5, 27:15, 85:4, 86:22, 87:2, 87:22, 91:21, 166:16, 178:11, 179:22, 180:19, 184:14 <b>tool</b> 62:6, 62:9, 167:10, 167:13 <b>top</b> 53:4, 83:7, 169:8, 185:20 <b>topic</b> 166:4 <b>totally</b> 130:24, 152:21, 152:23 <b>touches</b> 66:18 <b>tour</b> 24:17, 31:4, 31:12, 32:1, 92:14 <b>towards</b> 24:18, 24:19, 122:5 <b>traffic</b> 25:4, 25:5, 25:6, 25:7, 25:8, 30:21, 89:16, 166:11 <b>train</b> 37:3 <b>trained</b> 36:4, 36:12, 37:10, 37:16, 37:19, 38:2, 44:7, 45:18, 52:17, 54:7,</p>	<p>57:13, 57:18, 57:22, 63:9, 63:13, 63:16, 64:5, 96:13, 137:1 <b>training</b> 14:2, 36:1, 45:10, 46:21, 48:13, 48:16, 48:20, 48:24, 49:5, 49:9, 51:24, 52:14, 53:3, 54:16, 56:16, 57:5, 57:8, 58:4, 58:9, 59:19, 60:6, 60:15, 60:17, 63:6, 63:11, 124:13, 124:14, 168:15, 169:8, 169:19 <b>trainings</b> 52:12, 53:20 <b>transcript</b> 5:12, 6:7, 189:8 <b>transcription</b> 188:6 <b>transcripts</b> 68:22 <b>transfer</b> 22:6 <b>transferred</b> 22:8 <b>trench</b> 83:18, 84:2 <b>trial</b> 54:18, 78:4 <b>tried</b> 106:8 <b>true</b> 6:5, 44:17, 121:5, 128:3, 146:23, 147:12, 154:5, 188:5, 189:8 <b>truth</b> 22:17, 24:9,</p>
--	--	--	--

Transcript of Thomas Kelly  
Conducted on July 14, 2020

85

46:12, 49:11, 52:3, 121:2, 121:10, 166:24, 167:2 <b>truthful</b> 62:12, 135:13 <b>truthfully</b> 11:8, 12:10, 12:17, 88:8, 88:12 <b>try</b> 10:14, 23:7, 40:9, 42:17, 44:2, 82:10, 184:11 <b>trying</b> 23:4, 47:15, 47:16, 57:16, 60:3, 87:14, 142:18 <b>turnaround</b> 162:4 <b>turned</b> 108:12, 122:5 <b>turner</b> 76:3, 76:6, 76:20, 78:14 <b>turning</b> 63:1 <b>two</b> 17:23, 18:18, 24:11, 48:12, 52:9, 52:11, 52:12, 52:15, 52:24, 67:5, 80:16, 82:19, 127:24, 137:22, 147:10, 149:10, 149:12, 149:19, 156:18 <b>two-page</b> 64:12, 64:16 <b>two-thirds</b> 171:15 <b>type</b> 65:14, 78:24 <b>types</b> 64:7, 105:17	<b>typewriting</b> 189:10 <b>typewritten</b> 109:2 <b>typical</b> 162:3 <b>typically</b> 87:17, 88:24, 160:20, 172:23, 182:21 <hr/> <b>U</b> <hr/> <b>uh-huh</b> 10:3 <b>uh-uh</b> 10:3 <b>unattended</b> 158:2 <b>uncle</b> 18:1, 18:2, 18:3 <b>uncomfortably</b> 155:20 <b>uncooperative</b> 141:23 <b>under</b> 6:6, 16:13, 38:13, 39:4, 41:11, 84:8, 96:14, 126:8, 172:9, 189:10 <b>understand</b> 10:8, 10:18, 10:19, 10:22, 11:19, 11:22, 13:12, 19:2, 35:17, 36:6, 36:21, 45:22, 50:3, 56:7, 87:14, 103:7, 123:16, 146:18, 165:15, 174:19, 184:10 <b>understanding</b> 8:12, 9:4, 176:12 <b>understood</b> 11:2, 38:20	<b>uniform</b> 20:19, 20:23, 26:14, 84:3 <b>unique</b> 161:2, 161:4 <b>unit</b> 26:8, 71:18, 73:7, 79:17, 163:22, 164:3 <b>united</b> 1:1 <b>units</b> 79:14, 79:15 <b>unless</b> 116:20, 168:11 <b>unmarked</b> 21:1, 21:2 <b>unmute</b> 23:4 <b>unreliable</b> 61:5 <b>until</b> 8:16, 10:10, 10:15, 26:23, 35:2, 35:5, 99:19 <b>untrained</b> 65:19 <b>unusual</b> 84:20, 177:24 <b>updated</b> 151:16 <b>upset</b> 134:11 <b>upstairs</b> 106:17 <b>urinate</b> 156:1 <b>use</b> 8:17, 141:4, 152:3, 156:2, 168:5 <b>using</b> 8:12, 87:10 <b>utility</b> 167:6 <hr/> <b>V</b> <hr/> <b>vagina</b> 84:20, 89:21,	89:23, 90:5, 90:9 <b>vaginal</b> 122:2, 122:24 <b>valor</b> 14:22 <b>vantage</b> 41:24 <b>various</b> 42:14, 94:10 <b>verbal</b> 10:1 <b>verified</b> 6:9 <b>verify</b> 175:2 <b>version</b> 121:3, 146:20, 146:21 <b>versions</b> 128:1 <b>versus</b> 148:2 <b>viability</b> 142:18 <b>victim</b> 45:1, 45:6, 64:14, 65:17, 65:18, 90:4, 90:8, 116:13, 120:10, 120:12, 120:15, 121:4, 121:13, 121:15, 121:22, 122:1, 122:3, 122:22, 122:23, 185:7 <b>victim's</b> 45:1, 45:2, 89:23, 185:21 <b>video</b> 8:10, 8:15, 49:5, 152:4, 186:18, 186:20 <b>vietnam</b> 14:6, 14:7, 15:2, 15:5, 15:8 <b>view</b> 136:11
---	--	---	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

86

<b>vigorous</b> 63:21 <b>violate</b> 143:18, 143:22 <b>violation</b> 150:4, 150:6, 151:2 <b>violent</b> 28:8, 28:9, 28:12, 28:21, 31:1, 35:4, 64:11, 120:5, 128:10 <b>virtual</b> 67:13 <b>virtually</b> 1:16, 2:12 <b>voluntary</b> 22:7	123:23, 125:3, 126:4, 131:11, 131:14, 132:8, 132:24, 133:6, 136:16, 136:17, 142:8, 142:15, 146:2, 146:15, 147:20, 147:22, 160:15, 162:23, 169:11, 170:9, 170:18 <b>wanted</b> 42:23, 44:20, 55:22, 56:1, 56:4, 56:8, 62:24, 65:21, 99:12, 101:23, 121:2, 175:13 <b>wants</b> 186:20 <b>ward</b> 33:9, 33:10, 33:14, 33:21, 97:14 <b>washington</b> 4:16 <b>watch</b> 29:14, 30:17, 31:24, 88:22, 88:23, 89:1, 89:3, 89:6, 104:8, 104:11 <b>watches</b> 32:7 <b>watching</b> 49:5 <b>water</b> 60:19, 156:5 <b>way</b> 6:8, 10:21, 24:16, 24:19, 43:3, 44:8, 45:12, 49:14, 49:16, 51:19, 51:22, 54:2, 54:7, 84:6, 96:3, 96:10, 108:11, 122:23,	145:10, 146:22, 158:10, 173:7, 179:24 <b>ways</b> 41:23, 95:11 <b>we'll</b> 11:21, 32:11, 46:13, 46:19, 66:7, 81:20, 98:19, 99:10, 101:11, 115:11, 146:2 <b>we're</b> 56:23, 56:24, 69:21, 136:12, 186:15 <b>we've</b> 76:13, 100:24, 115:6, 115:10, 117:11 <b>wealth</b> 19:1 <b>wear</b> 71:9, 72:12, 73:21, 74:10, 77:6, 160:20, 160:23 <b>wearing</b> 88:6, 88:7 <b>weddings</b> 79:21 <b>weeks</b> 28:5, 33:4 <b>weighed</b> 72:4 <b>weight</b> 72:2, 73:13 <b>welcome</b> 115:22 <b>went</b> 15:10, 16:13, 21:5, 22:17, 25:9, 26:6, 26:16, 106:12, 106:17, 120:11, 120:14, 120:18, 121:23, 122:4, 122:6, 122:8,	158:21 <b>wentworth</b> 86:24, 87:3, 126:10, 126:17, 127:13 <b>weren't</b> 20:22, 53:22, 94:13, 95:6, 95:17, 96:10, 96:16, 97:2, 97:7, 98:4, 98:10, 98:14, 108:15, 153:8, 172:7, 178:8 <b>west</b> 4:7, 4:16, 106:24, 159:7, 163:18 <b>whatever</b> 56:20, 88:4, 139:10, 145:1, 153:5, 161:19, 175:11 <b>whereby</b> 162:16 <b>whereof</b> 189:16 <b>wherever</b> 139:1 <b>whether</b> 42:18, 42:23, 43:5, 45:5, 98:10, 108:2, 108:11, 148:15, 148:19, 148:23, 150:6, 169:24, 179:8, 179:22, 179:23, 180:19 <b>whichever</b> 170:7 <b>white</b> 83:9, 148:11 <b>whoever</b> 31:16, 31:23, 32:11, 92:22 <b>whole</b> 13:20, 145:12 <b>whomever</b> 32:2
<b>W</b>			
<b>w-a-r-d</b> 33:9 <b>wagon</b> 52:7 <b>wait</b> 10:9, 10:15, 118:1, 158:20 <b>walked</b> 158:15 <b>wall</b> 156:18, 157:17, 158:16 <b>wallet</b> 25:3, 166:14 <b>want</b> 8:5, 9:18, 13:20, 28:9, 28:12, 29:23, 34:19, 44:4, 47:17, 50:6, 69:8, 70:11, 82:3, 88:5, 95:4, 95:17, 95:24, 105:15, 105:18, 109:3, 114:22, 120:7, 121:19, 123:4,			



Transcript of Thomas Kelly  
Conducted on July 14, 2020

87

<b>wild</b> 44:22 <b>william</b> 1:10, 3:17 <b>window</b> 106:13 <b>withdraw</b> 66:22 <b>withhold</b> 45:4 <b>within</b> 16:11, 80:16, 116:1, 157:10 <b>without</b> 33:2, 36:15, 69:13, 84:10, 86:13, 149:24, 159:3 <b>witness</b> 6:4, 6:9, 6:11, 6:22, 7:2, 35:19, 36:8, 36:22, 38:12, 40:1, 40:17, 41:3, 41:13, 41:15, 42:5, 43:12, 43:14, 43:20, 44:16, 45:14, 45:23, 50:5, 50:8, 51:21, 52:22, 55:2, 55:9, 59:18, 60:22, 61:8, 61:18, 64:1, 64:9, 65:24, 70:1, 70:8, 75:3, 78:17, 79:8, 87:20, 91:6, 91:9, 93:23, 95:1, 95:8, 95:20, 112:15, 114:22, 117:17, 117:21, 117:22, 118:7, 118:8, 118:15, 118:16, 119:2, 119:3, 124:7, 125:1,	127:6, 130:9, 131:17, 135:13, 136:2, 136:20, 137:7, 139:20, 139:23, 141:1, 142:9, 144:11, 145:1, 145:18, 147:5, 147:16, 153:10, 158:23, 160:1, 163:7, 163:14, 165:11, 168:5, 171:1, 174:5, 174:11, 174:12, 179:15, 180:4, 180:10, 181:21, 182:5, 182:15, 182:22, 183:3, 183:9, 183:15, 184:13, 184:17, 185:13, 189:16 <b>witness's</b> 61:16, 126:20, 131:6, 134:17 <b>witnessed</b> 168:4 <b>witnesses</b> 37:10, 37:16, 37:20, 42:14, 42:16, 62:15, 64:14, 87:13, 87:18, 93:3, 127:22, 142:14, 143:4, 180:12, 181:23 <b>woman</b> 89:20 <b>word</b> 106:2 <b>worded</b> 93:16 <b>wore</b> 71:3, 73:16, 75:21, 76:1, 77:17 <b>work</b> 14:24, 15:12, 18:23, 26:13,	28:9, 28:12, 30:11, 53:21, 53:22, 70:23, 78:22, 78:23, 80:6, 84:4, 89:9, 90:7, 92:11, 104:12, 148:10 <b>worked</b> 15:3, 15:17, 17:13, 28:14, 28:18, 29:11, 34:15, 62:19, 71:15, 73:4, 73:15, 81:13, 92:13, 92:16, 148:13, 160:23, 164:4 <b>working</b> 31:23, 32:4, 52:23, 59:21, 65:1, 88:18, 88:22, 139:4, 140:22, 160:19, 162:21 <b>worn</b> 75:11 <b>worried</b> 158:19, 158:24 <b>wouldn't</b> 55:12, 123:22, 142:5, 142:8, 158:19, 177:21 <b>write</b> 85:17, 173:21, 174:17, 181:15 <b>writing</b> 8:22, 99:20, 173:24, 174:2, 174:19, 175:1, 175:8, 176:14 <b>written</b> 139:18, 146:20, 150:6, 150:7, 174:14, 174:15, 175:4, 175:11 <b>wrong</b> 24:19, 104:6,	147:23, 154:9 <b>wrote</b> 147:17, 147:24, 148:3, 170:18, 175:20, 181:7 <b>würzburg</b> 14:2 <hr/> <b>Y</b> <hr/> <b>yeah</b> 20:1, 29:21, 37:23, 39:21, 45:4, 52:21, 56:21, 70:4, 78:21, 83:2, 83:11, 83:23, 84:12, 93:9, 114:16, 115:2, 118:6, 118:13, 144:16, 151:1, 152:8, 157:22, 168:20, 170:16, 177:3, 186:22 <b>year</b> 14:3, 16:11, 17:15, 20:6, 26:1, 27:1, 36:14, 72:13, 128:9 <b>years</b> 7:18, 13:16, 16:23, 16:24, 18:13, 21:20, 33:11, 33:18, 53:7, 58:11, 60:2, 66:3, 71:16, 72:16, 80:3, 80:16, 80:22, 81:9, 81:15, 98:1, 98:2, 106:23, 120:4, 123:18, 123:19, 148:9 <b>yesterday</b> 67:24 <b>your's</b> 110:22 <b>yourself</b> 52:1, 93:6,
---	--	--	---

Transcript of Thomas Kelly  
Conducted on July 14, 2020

88

139:20, 140:9, 168:19, 171:4 <b>youth</b> 18:5	<b>115</b> 5:21 <b>12</b> 14:10, 16:15, 30:16, 81:15, 120:8 <b>1212</b> 3:8 <b>1240</b> 4:7 <b>129</b> 98:24 <b>13</b> 67:24 <b>132</b> 99:1 <b>14</b> 1:17, 121:20, 150:6 <b>141</b> 4:7 <b>144</b> 109:2 <b>146</b> 5:22 <b>15</b> 57:4 <b>150</b> 5:23 <b>151</b> 109:6 <b>152</b> 109:12 <b>159</b> 57:4 <b>16</b> 16:15, 119:8 <b>160</b> 5:4 <b>169</b> 5:5 <b>17</b> 1:9, 109:16, 151:14 <b>172</b> 109:16 <b>173</b> 109:21	<b>174</b> 109:24 <b>175</b> 110:2 <b>176</b> 110:5 <b>177</b> 5:6, 110:8 <b>178</b> 110:11 <b>179</b> 5:7, 110:14 <b>18</b> 2:5, 123:19 <b>180</b> 110:17 <b>181</b> 5:8 <b>182</b> 111:4 <b>183</b> 112:6, 112:8 <b>184</b> 112:20 <b>185</b> 5:9, 113:9 <b>186</b> 113:11 <b>187</b> 113:13 <b>188</b> 113:15 <b>1880</b> 4:18 <b>189</b> 1:23, 113:17 <b>190</b> 113:19 <b>1901</b> 3:6 <b>191</b> 113:21 <b>192</b> 113:23 <b>193</b> 114:2 <b>195</b> 114:4	<b>1964</b> 16:6 <b>1966</b> 14:4 <b>1967</b> 14:16 <b>1969</b> 19:3, 53:13 <b>1971</b> 60:14, 60:16 <b>1981</b> 27:2 <b>1987</b> 26:24, 27:5, 35:5, 66:8 <b>1990</b> 71:19 <b>1991</b> 63:3, 63:11 <b>1994</b> 31:6, 71:1, 71:10, 71:13, 71:23, 72:3, 72:10, 72:15, 73:24, 74:7, 75:14, 75:17, 75:23, 76:4, 77:14, 82:3, 88:15, 88:19, 88:22, 89:18, 91:3, 92:19, 93:5, 94:2, 99:17, 104:8, 111:14, 138:4, 146:13, 156:9, 156:11, 156:14, 157:4, 157:24, 160:19, 161:2, 161:5, 161:8, 162:3, 162:11, 163:19, 170:23, 174:10, 178:2
<b>z</b>			
<b>zellner</b> 3:5 <b>zoom</b> 8:13, 134:14, 177:4, 182:1			
<b>\$</b>			
<b>\$370,000</b> 155:5			
<b>0</b>			
<b>00</b> 30:11, 89:7 <b>000192</b> 146:8 <b>003160</b> 189:4 <b>06</b> 150:10 <b>084</b> 189:4			
<b>1</b>			
<b>1</b> 26:17, 33:23, 89:7 <b>10</b> 1:18, 20:21, 56:16, 151:14 <b>1000</b> 3:23 <b>103</b> 5:19 <b>108</b> 5:20 <b>109</b> 48:11 <b>11</b> 1:18, 80:22, 81:15, 118:13, 169:9, 169:20 <b>111</b> 80:9, 80:11			
		<b>2</b>	
		<b>2</b> 187:1 <b>200</b> 72:5, 72:9,	

Transcript of Thomas Kelly  
Conducted on July 14, 2020

89

108:22, 115:4 <b>2000</b> 156:12 <b>2004</b> 57:5, 60:17 <b>2009</b> 35:8 <b>2020</b> 1:17, 11:10, 189:18 <b>2021</b> 189:19 <b>22</b> 98:2, 120:4, 123:18, 128:9 <b>220</b> 72:1, 72:4 <b>2200</b> 3:21 <b>22117</b> 150:22 <b>22118</b> 150:23 <b>22119</b> 150:23 <b>23</b> 106:23 <b>243</b> 3:15 <b>2530</b> 47:5 <b>2538</b> 47:3 <b>2540</b> 47:6 <b>26</b> 138:22 <b>28</b> 88:19, 89:18, 91:3, 99:17, 104:3, 104:8, 146:13, 189:17 <b>29</b> 35:8 <hr/> <b>3</b> <hr/> <b>3</b> 148:3	<b>30</b> 25:18, 89:2, 89:10, 89:13, 149:7 <b>304</b> 81:22 <b>308628</b> 1:22 <b>31</b> 189:19 <b>311</b> 3:13 <b>312</b> 3:15, 3:23, 4:18 <b>321</b> 3:21 <b>33</b> 24:20 <b>3313</b> 4:9 <b>35</b> 19:22 <b>39</b> 187:1 <b>3rd</b> 3:13, 21:22, 22:3, 22:6, 22:9, 22:12, 25:24, 26:4, 26:10 <hr/> <b>4</b> <hr/> <b>4</b> 30:11, 89:2, 89:10, 89:13 <b>40</b> 53:7, 58:11, 60:2, 72:16 <b>45</b> 18:13 <b>46</b> 5:16 <b>48</b> 156:6 <b>494</b> 3:23 <hr/> <b>5</b> <hr/> <b>5</b> 30:11	<b>50</b> 162:22 <b>51</b> 86:24, 87:3, 126:10, 126:17, 127:12 <b>55</b> 106:24 <b>5900</b> 3:15 <hr/> <b>6</b> <hr/> <b>603</b> 4:18 <b>60515</b> 3:7 <b>60602</b> 4:17 <b>60607</b> 3:14 <b>630</b> 3:8, 4:9 <b>650</b> 3:6 <b>66</b> 155:17 <b>68</b> 155:17 <b>69</b> 4:16, 37:13 <hr/> <b>7</b> <hr/> <b>70</b> 25:21, 72:21, 72:24, 149:8 <b>71</b> 189:21 <b>735</b> 4:9 <b>75</b> 22:5 <hr/> <b>8</b> <hr/> <b>8</b> 30:11 <b>80</b> 115:15 <b>81</b> 5:17	<b>82</b> 116:5 <b>84</b> 117:2 <b>8696</b> 1:9 <hr/> <b>9</b> <hr/> <b>9</b> 30:11 <b>90</b> 20:20, 78:10 <b>917</b> 106:23, 159:7, 163:18 <b>94</b> 72:14, 74:14 <b>955</b> 3:8 <b>96</b> 115:15 <b>98</b> 5:18 <b>998</b> 2:5 <b>9th</b> 19:20, 20:4, 20:8, 20:12, 20:14, 21:9, 21:12
--	---	---	--